



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

June 19, 2023

APPLICATION NUMBER - NAME
 #2023-016 – 45 Bedford Road – The Gateway
 Town Board Special Use Permit and Planning
 Board Site Plan Approval

SBL
 108.03-1-65

MEETING DATE
 June 26, 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.

<p><u>Planning Board 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 Negative Declaration by the Town Board on June 12, 2019. 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. 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. 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. 6. The Applicant will need to obtain County Stream Control Permit. 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. 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). 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. 	<p><u>Staff Notes</u></p>
<p><u>Town Board Procedural Comments</u></p> <ol style="list-style-type: none"> 1. The Town Board will need to schedule a Public Hearing regarding the proposed special use permit. 2. The SEQRA review of this project concluded with the adoption of a Negative Declaration by the Town Board on June 12, 2019. 3. The application for special use permit approval was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). 4. The application for special use permit approval was referred to the North Castle Planning Board pursuant to Section 355-35 of the Town Code on April 26, 2023. 	<p>The County provided detailed comments to the Town Board with respect to this project. Please refer to the letter for additional information.</p>
<p><u>Town Board General Comments</u></p> <ol style="list-style-type: none"> 1. 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. 	<p>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.</p>

<p>2. Pursuant to Section 355-40.X(3) of the Town Code, traffic access shall be from a public street of adequate capacity and design to safely and conveniently accommodate the expected traffic.</p> <p>3. 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.</p> <p>5. Section 355-37.A of the Town Code states: The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in this chapter.</p> <p>6. Section 355-37.B of the Town Code states: The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.</p> <p>7. Section 355-37.C of the Town Code states: Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit.</p> <p>8. Section 355-37.D of the Town Code states: Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.</p>	<p>The Hardesty and Hanover traffic review notes that the Maple Avenue and NYS Route 22 intersection is at full capacity and operates at an unacceptable level of service.</p> <p>The Town has a plan to significantly increase capacity at the intersection by providing a Maple Avenue southbound double left turn onto NYS Route 22.</p> <p>NYS DOT preliminarily estimates that the improvements required would cost in excess of \$1M. The Town will need to make the necessary improvements to this intersection and new developments in the surrounding area should pay a fair share contribution for the improvements.</p> <p>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 Road to construct a sidewalk along the entry road to Armonk Square from Bedford Road. Furthermore, a sidewalk along Maple Avenue to the bus stop should be constructed.</p> <p>The Town Board will need to determine whether the proposed plan meets this Town Code requirement.</p> <p>The Town Board will need to determine whether the proposed plan meets this Town Code requirement.</p> <p>The Town Board will need to determine whether the proposed plan meets this Town Code requirement.</p> <p>The Town Board will need to determine whether the proposed plan meets this Town Code requirement.</p>
<p><u>Planning Board General Comments</u></p> <p>1. The Applicant and the Town Board have reviewed several iterations of the site plan/design to ensure that the project is designed as an aesthetically pleasing pedestrian friendly residential project. The Applicant has paid particular attention to preparing an aesthetic that is consistent with the adjacent Historic District #1.</p> <p>2. The site plan should depict a sidewalk from the rear of the Bedford Road units to the existing sidewalk on Bedford Road.</p> <p>3. The Applicant shall provide a landscape plan for review. It is recommended that landscaping that is similar and compatible with Wampus Brook Park be provided along Maple Avenue while a significant evergreen screen be provided along the common property line between the American Legion and Town Hall.</p> <p>The plan has been revised to provide a walking trail and a gazebo along Maple Avenue. While the proposed site plan elements may be attractive, the Planning Department believes that these features will not be highly utilized. In particular, it is noted that Wampus Brook Park already contains a gazebo. It is recommended that the gazebo and walking path be eliminated.</p>	<p>The Town Board and Planning Board will need to determine whether the proposed site plan/design is compatible with the surround neighborhood.</p>  <p>In place of the gazebo and walking path, it is recommended that the Applicant propose street lighting that is similar to Main Street and Wampus Brook Park along the existing/proposed sidewalk along Bedford Road and Maple Avenue. In addition, the Applicant should give consideration to constructing a new bus shelter as the existing shelter is in disrepair.</p>

<p>4. 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.</p> <p>5. 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>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.</p> <p>7. 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>8. The dimensions of proposed parking spaces should be depicted on the site plan. Parking spaces shall be a minimum of 9' x '18'.</p> <p>9. The site plan shall be revised to depict 25' wide backup and maneuvering aisles adjacent to off-street parking spaces. Access aisles that are not adjacent to parking can be 24' wide.</p> <p>10. Pursuant to Section 355-56.H(2) of the Town Code, 10% of the parking area shall be landscaped.</p> <p>11. The site plan should identify the location of the four required AFFH units.</p> <p>12. The off-street parking analysis should be revised to depict the off-street parking requirements for the market rate units and the parking requirement for the AFFH units.</p> <p>13. The Applicant should submit a Building Coverage exhibit for review.</p> <p>14. The site plan should be revised to depict the proposed amount of Town-regulated wetland buffer disturbance. 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>15. The Applicant should indicate if any signage is proposed for the project. If so, the location and design of the signage should be included on the plans.</p> <p>16. 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>17. 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>18. 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.</p> <p>19. 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>20. 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>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 proposed, in that area.</p> <p>The Applicant should place an easement along the Maple Avenue frontage that would enable the future construction of a right turn lane from Bedford Road onto Maple Avenue.</p>
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21. 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.
22. 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.
23. 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.