



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

November 21, 2023

APPLICATION NUMBER - NAME
#2023-038 – 113 King Street – Airport Campus – Preliminary Subdivision Plat, Site Development Plan, Tree Removal Permit and Wetland Permit Approvals

SBL
118.02-1-1

MEETING DATE
October 27, 2023

PROPERTY ADDRESS/LOCATION
113 King Street

BRIEF SUMMARY OF REQUEST

Construction of 125 attached townhomes on the 34.3 acres zoned R-MF-A and adaptive reuse of the existing southern office building with 50 age-restricted apartments with a new parking structure on the 4.5 acres zoned R-MF-SCH.



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-A and R-MF-SCH	Vacant Corporate Campus	Office	Conversion to multi-family residential	38.8 acres

PROPERTY HISTORY

August 2023 – Town Board rezoned the property to the R-MF-A and R-MF-SCH Zoning Districts

COMPATIBILITY with the COMPREHENSIVE PLAN

The Town of North Castle Comprehensive Plan states:

For the PLI, OB-H and DOB-20A zones, in particular (business park, portion of IBM property, Swiss Re and former MBIA campus), the Town should explore allowing for an introduction of residential uses, at a scale comparable to surrounding landuse patterns. In the PLI and DOB-20A zones, retail, hotel, personal-service, entertainment and ancillary education uses may also be permitted for these districts, but any retail should be limited to accessory uses to avoid competition with established shopping areas, especially downtown Armonk.

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"> 1. The Town Board adopted Findings regarding the Proposed Action on August 9, 2023. Prior to taking any action, the Planning Board will need to adopt its own Findings with respect to the environmental impacts of the Proposed Action. 2. A Public Hearing for the proposed preliminary subdivision application, site plan and wetlands permits will need to be scheduled. 3. Pursuant to Section 12-18.A 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. 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. 5. Since this lot is in excess of 10 acres, the project should be referred to the Conservation Board, pursuant to Section 239-y.3.a of NY General Municipal Law. 6. The project is located within the NYC Kensico Watershed. The Applicant will need to obtain approval from the NYCDEP. 7. The Applicant shall submit the Traffic Impact Study to the New York State Department of Transportation (NYSDOT) for review and comment. 8. 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. 9. 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 demand. 10. The Applicant will need to obtain Westchester County Department of Health approval for the water and sewer main extensions. 11. The application for site plan approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). This referral is required because the subject site is located within 500 feet of NY Route 120. 	<p>The Applicant has requested that the hearing be scheduled for the January 8, 2024 meeting.</p> <p>The Applicant plans to submit to the Architectural Review Board (ARB) for their December 6, 2023 meeting.</p> <p>The Applicant submitted the Wetland Permit application to the Conservation Board for review at their November 21, 2023 meeting.</p> <p>The referral was made on October 24, 2023.</p> <p>The Applicant notes that they attended a pre-application consultation with the NYCDEP on June 2, 2023 and anticipate filing the SWPPP with the Planning Board shortly.</p> <p>The Applicant will be filing a Stage 1 submission with the NYSDOT by November 17, 2023.</p> <p>In addition, the site plan should be referred to the Town's Traffic Consultant for review.</p> <p>The referral was made on October 24, 2023.</p> <p>The referral was made on October 24, 2023.</p> <p>The referral was made on October 24, 2023.</p>

General Comments

1. The Applicant has provided the following update with respect to providing potable water to the project:

At this time, a draft of the Map, Plan & Report for extension of Water District No. 8 has been prepared and will be submitted to the Water and Sewer Department in the near future. The Applicants are also coordinating through the Water and Sewer Department on further consultations with WCDOH. The Applicants have also requested any further comments or recommendations on these utility details from the Town's Engineer beyond those already provided as part of the Town Board's rezoning proceedings. The Applicants expect to file a Petition with the Town Board.

2. The Applicant has indicated that a school bus stop will be provided along Cooney Hill Road. It is noted that a signal is no longer proposed for the NYS Route 120 intersection. Given the limited sight lines available at this intersection, it is not recommended that school buses utilize this street.

The Applicant reports that they had discussions with the Byram Hills School District Transportation Supervisor and the school district suggested a bus stop at the intersection of Cooney Hill Road and the proposed north road (former Weber Place). The School District anticipates providing a small bus given the limited number of school-aged children anticipated.

It is anticipated that the Planning Board will be provided a letter from the School District shortly.

3. The Applicant will need to submit site plans for each lot for review and approval.

The Planning Department believes that Planning Board site development approval for each lot is not necessary and that review of the individual site plans can be reviewed by the RPRC.

4. As the site plans for each lot are developed, the site plans will need to depict visual privacy for the proposed rear yards (fencing, enclosed patios, etc.) pursuant to Section [355-24\(G\)\(1\) of the Town Code](#). The plans should be revised.

The Applicant states that Toll Brothers does not provide fencing or screening of patio/rear yard areas.

5. The site plan depicts 2,011 square feet of Town-regulated steep slope disturbance.

6. The site plan depicts 1,091 Town-regulated trees with 678 trees proposed to be removed and 413 trees to remain. As mitigation, the site plan depicts 898 new trees proposed to be planted on the site.

The Planning Board will need to determine whether the proposed amount of Town-regulated tree removal is acceptable.

7. The site plan depicts 7,696 square feet of Town-regulated wetland buffer disturbance. A 15,400 square foot mitigation plan has been proposed.

The Planning Board and Conservation Board will need to determine whether the proposed amount of Town-regulated wetland buffer disturbance is acceptable.

8. The disposition and possible relocation of the existing 1820's farmhouse should be discussed.

The Applicant notes that NYS OPRHP found the farmhouse is not historically significant and that unless the Town or a community plan is developed for an off-site relocation in the next few months, it is the Applicants' intention to demolish the structure.

9. The Applicant has stated that blasting and chipping is proposed. The Applicant should indicate whether rock crushing is proposed.

Details of such activity should be provided to the Planning Board.

<p>10. The Applicant should submit a turf management plan that, pursuant to the Findings Statement, prohibits the use of any chemicals (fertilizers, pesticides, herbicides, fungicides, etc.) within the Project Site's identified wetland/watercourse proper and within 100 feet of this wetland/watercourse. In addition, no chemicals shall be applied within 100 feet of any existing or proposed stormwater management pond or basin which permanently or periodically retains/detains stormwater.</p> <p>11. The proposed irrigation system shall utilize the existing on-site pond and, if permitted by the County, from one or more of the existing on-site wells in an effort to minimize potable water use.</p> <p>12. The Applicant previously stated that site development would occur in two phases. The site plan should be revised to clearly depict the proposed phasing plan. The Applicant has stated that this information is provided on Plan C-402, however, staff was unable to discern the proposed phases. Perhaps this plan should also be revised to include a narrative describing what is proposed to be constructed in each phase (type of units, number of units, infrastructure, etc.).</p> <p>13. The Findings Statement requires the Applicant to employ a full time construction manager for the Townhouse and Senior development projects. In addition, the Town Board finds that given current Town staffing levels combined with the size of both the Townhouse and Senior developments, the Applicant shall be required to reimburse the Town for costs associated with a third party part-time special engineering and/or building inspector.</p> <p>14. Pursuant to the Findings Statement, the Applicant shall prepare and submit a Construction Management Plan (CMP), to the satisfaction of the Town Engineer, addressing air quality, blasting, chipping, rock processing and construction noise impacts.</p> <p>15. The Applicant noted that closure reports for underground oil tanks were not available for the former Weber Place homes. The Applicant shall prepare a plan, to the satisfaction of the Town Engineer, that addresses this potential issue.</p> <p>16. The subdivision plat shall be revised to include the dimension of all property lines (meets and bounds) and proposed section, block and lot numbers for each lot. In addition, the preliminary plat should be revised to depict how each lot complies with the minimum lot area (already provided), Lot Width and Lot Depth.</p> <p>17. The Town charges a fee in lieu of providing recreation facilities. Market rate units are charged \$10,000 per unit. Multifamily units are \$3,000 per unit. The residents of the AFFH units require a payment of \$1,000 per unit.</p> <p>18. The site plan indicates signage is proposed for the project in the location of existing signage. The design of the new signage should be included on the plans.</p> <p>19. Pursuant to the adopted Findings Statement, to ensure that Site residents are aware of their proximity to the Airport, the Applicant shall place a notice in any rental agreement, offering plan, or contract for any residential unit on the Site notifying prospective residents of the Site's proximity to the Westchester County Airport.</p>	<p>The Applicant notes that the Integrated Pest Management ("IPM") specialist for the MBIA Office Expansion project is no longer in business and that JMC has reached out to Bartlett Tree Experts for development of an updated IPM plan including a turf management plan.</p> <p>The Applicant has reached out to WCDOH and is awaiting a response confirming the wells can be converted to a non-potable irrigation supply as part of redevelopment of the Site.</p> <p>It appears that four closure reports were not provided in the Phase 1 ESA; however, subsequently oil tanks were removed at 129 King Street and 1 & 7 Cooney Hill Road.</p> <p>It appears that only 137 King Street closure report is missing at this time.</p> <p>The Planning Board will need to determine what, if any, percentage of the unmet recreational demand from on-site facilities warrants a recreation fee, how to credit on-site facilities and determine a final fee contribution.</p>
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<p>20. Pursuant to the adopted Findings Statement, to ensure the townhouses are not modified subsequent to construction to add additional bedrooms, the Applicant has agreed to place a deed restriction in favor of the Town on each townhouse lot limiting the townhouses to three bedrooms.</p> <p>21. Pursuant to the adopted Findings Statement, the project shall include additional noise attenuation above that required by the NYS Building Code in an effort to mitigate airport noise impacts to a level at or below 45 dBA.</p> <p>22. The Applicant has committed to utilizing the existing integrated pest management plan (IPM) for the proposed project. The Applicant should submit this plan for the record.</p> <p>23. 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>24. 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>25. 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>26. 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>27. Pursuant to Section 355-34.1(6)(a) of the Town Code the Applicant has provided information regarding the size of all units. Proposed AFFH Unit 212 is 1,126 square feet where 80% of the average market rate 1 bedroom unit is 1,157 square feet. Unit 212 shall be increased in size so that it complies with the minimum requirements of the Town Code.</p>	<p>The Applicant provided information as to how they meet this standard. This information will need to be confirmed by the Building Department.</p> <p>The Applicant notes that the Integrated Pest Management ("IPM") specialist for the MBIA Office Expansion project is no longer in business and that JMC has reached out to Bartlett Tree Experts for development of an updated IPM plan including a turf management plan.</p>
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