

## **SUPPLEMENTAL SUBMISSION AND RESPONSE TO COMMENTS**

**To: Town of North Castle Planning Board**  
**From: Airport Campus and Toll Brothers**  
**Date: November 13, 2023**  
**Re: Subdivision, Site Plan, Wetland Permit, and Tree Removal Permit  
Redevelopment of the Former MBIA Headquarters Site**

Enclosed for filing with the Planning Board in response to the Town of North Castle Planning Department's comments, dated 10/16/2023 and the Planning Board's 10/23/23 Meeting please find revised and additional drawings along with substantive responses prepared by the entire project team.

JMC Drawings, last revised November 10, 2023:

- C-000: Cover Sheet;
- C-010: Existing Conditions Plan;
- C-020: Demolition Plan;
- C-100: Overall Layout Plan;
- C-101: Layout Plan;
- C-102: Layout Plan;
- C-151: Tree Protection Plan;
- C-152: Tree Protection Plan;
- C-153: Tree Protection Table (Part A);
- C-154: Tree Protection Table (Part B);
- C-155: Tree Protection Table (Part C);
- C-201: Grading Plan;
- C-202: Grading Plan;
- C-210: Road Profiles;
- C-301: Utilities Plan;
- C-302: Utilities Plan;
- C-320: Sanitary Sewer Profiles;
- C-330: Water Main Profiles;
- C-401: Erosion & Sediment Control Plan;
- C-402: Erosion & Sediment Control Plan;
- C-700: Vehicle Access Plan (Fire Truck);
- C-701: Vehicle Access Plan (Delivery Truck);
- C-702: Vehicle Access Plan (Garbage Truck);
- C-900: Construction Details;
- C-901: Construction Details;
- C-902: Construction Details;
- C-903: Construction Details;
- C-904: Construction Details;
- L-101: Landscape Plan;
- L-102: Landscape Plan;
- L-103: Typical Unit Landscape Plan;
- IPP-1: Integrated Plot Plan; and.
- PSP-1: Preliminary Subdivision Plat.

Additionally, enclosed you will find Architectural Drawings for the 55 and over building prepared by Lessard Design, Inc. dated November 13, 2023, and comprising the following sheets:

- A.001: Cover Sheet;
- A.002: Tabulations;
- A.100: Site Plan;
- A.101: Basement Plan;
- A.102: 1<sup>st</sup> Floor Plan;
- A.103: 2<sup>nd</sup> Floor Plan;
- A.104: 3<sup>rd</sup> Floor Plan;
- A.105: Penthouse Plan;
- A.106: Garage Building – 1<sup>st</sup> Floor;
- A.105T: Penthouse – Before & After;
- A.107: Garage Building – 2<sup>nd</sup> Floor;
- A.201: North & South Elevation;
- A.202: East & West Elevation;
- A.202T: Before & After;
- A.203: Garage Elevations;
- A.204: 3D Perspective View 01;
- A.205: 3D Perspective View 02;
- A.206: 3D Perspective View 03; and
- A.207: 3D Perspective View 04.

Also enclosed are Lighting Plans prepared by WLS Lighting last revised November 8, 2023, and comprising the following sheets:

- Sheet 1: WLS-17145.1;
- Sheet 2: WLS-17145.2;and
- Sheet 3: WLS-17145.3.

Lastly, enclosed are Conceptual Architecture Drawings prepared by Toll Brothers comprising the following:

- Sheet 1: MBIA Development Site Front Elevation – Walters, Saunders, Wilkerson;
- Sheet 2: MBIA Development Site Front Elevation – Walters, Welwyn, Wilkerson;
- Sheet 3: Walters Floor Plans;
- Sheet 4: Saunders Floor Plans;
- Sheet 5: Atkinson Floor Plans;
- Sheet 6: Wilkerson Floor Plans;
- Sheet 7: Welwyn (ADU) Floor Plans;
- Sheet 8: Building Elevations – Wilkerson, Walters;
- Sheet 9: Building Elevations (Rear) - Wilkerson, Walters;
- Sheet 10: Building Elevations (Sides) - Wilkerson, Walters;
- Sheet 11: Building Elevations – Atkinson, Saunders, Welwyn;
- Sheet 12: Building Elevations (Rear) – Atkinson, Saunders, Welwyn;
- Sheet 13: Building Elevations (Sides) - Welwyn;

Sheet 14: Building Elevations (Rear) – Walters, Welwyn, Wilkerson & Walters,  
Saunders, Wilkerson;  
Sheet 15: Interior Finishes;  
Sheet 16: Clubhouse (Front);  
Sheet 17: Clubhouse (Rear); and  
Sheet 18: Clubhouse Floor Plans.

Also enclosed are:

Exhibit C “Open Space, Building Coverage & Net Lot Area”

November 6, 2023 NYS DEC correspondence regarding tree clearing

Letter to MBIA Insurance Corporation from Nesbro Corporation, dated January 30,  
2004

## **Procedural Comments**

### **Comment No. 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.*

### **Response No. 1**

**The Applicants anticipate adoption of Planning Board findings consistent with the Town Board's Findings as part of a final determination by the Planning Board on the subdivision, site plan, wetlands and tree permit applications.**

### **Comment No.2**

*A Public Hearing for the proposed preliminary subdivision application, site plan and wetlands permits will need to be scheduled.*

### **Response No. 2**

**The Applicants request the Public Hearing be scheduled for the Planning Board's January 8, 2024 meeting.**

### **Comment No. 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.*

### **Response No. 3**

**The Applicants plan to submit to the Architectural Review Board (ARB) by November 24, 2023 for their December 6, 2023 meeting.**

### **Comment No. 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.*

### **Response No. 4**

**The Applicants submitted the Wetland Permit application to the Conservation Board on October 31, 2023 for review at their November 21, 2023 meeting, noting the lack of any direct wetlands impacts to a small 0.25 acre wetland in the corner of the Site and**

**the limited grading activity proposed in the regulated buffer area.**

Comment No. 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.*

**Response No. 5**

**The Applicants submitted a referral package for the Subdivision, Site Plan and Tree Permit applications to the Conservation Board on October 31, 2023 for review at their November 21, 2023 meeting at the same time as their review of the Wetland Permit application.**

Comment No. 6

*The project is located within the NYC Kensico Watershed. The Applicant will need to obtain approval from the NYCDEP.*

**Response No. 6**

**The Applicants will apply for and obtain required approvals from the NYCDEP as a condition of any Planning Board subdivision and site plan approvals. The Applicants attended a pre-application consultation with the NYCDEP on June 2, 2023 and anticipate filing the SWPPP with the Planning Board shortly.**

Comment No. 7

*The Applicant shall submit the Traffic Impact Study to the New York State Department of Transportation (NYSDOT) for review and comment.*

**Response No. 7**

**The Applicants will be filing a Stage 1 submission with the NYSDOT by November 17, 2023. It is noted that NYSDOT was an involved agency as part of the SEQRA process and this information is included in the FEIS.**

Comment No. 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.*

**Response No. 8**

**It is the Applicants' understanding that the Town will forward the site plan to the Chief of Police, Fire Inspector and the Armonk Fire Chief to ascertain if there are any further**

**recommendations beyond those considered as part of the Town Board’s rezoning proceedings.**

Comment No. 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.*

**Response No. 9**

**It is the Applicants’ understanding that the Town Planner will forward the site plan to the Water and Sewer Department. The plan was reviewed by the Water and Sewer Department as part of the Town Board’s rezoning proceedings. Section 5.7 of the Town Board’s Findings detail the required Town Water and Sewer improvements. The Applicants had a follow up meeting with the Water and Sewer Department on September 20, 2023 to further coordinate together. No material changes have been made to the site plan since the time of those consultations and its submission to the Planning Board on October 6, 2023. 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.**

Comment No. 10

*The Applicant will need to obtain Westchester County Department of Health approval for the water and sewer main extensions.*

Response No. 10

**See response to Comment No. 9 above. The Applicants anticipate further WCDOH review as part of extending Town Water District No. 8 and as a condition of any Planning Board subdivision and site plan approval.**

Comment No. 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.*

**Response No. 11**

**The Applicants anticipate Planning Department referral of the site plan to Westchester County Planning Board pursuant to Section 239-m of the GML. It is noted that this**

agency was also an interested agency as part of the SEQRA process for the Project.

### **General Comments**

#### **Comment No. 1**

*The site plan depicts the conversion of an existing mechanical penthouse to apartments. The Applicant should confirm that the conversion of the mechanical space would be permitted pursuant to the NYS Building and Fire Code.*

#### **Response No. 1**

**Proposed modifications include upgrades to egress and life safety systems. The conversion of the existing mechanical penthouse to units is code compliant with the NYS Building and Fire Codes. Please refer to Drawings A.105T and A.202T prepared by Lessard Design identifying the extent of the modifications.**

#### **Comment No. 2**

*The Applicant should provide an off-street parking analysis and plan depicting the location of all off-street parking. It is noted that the market rate townhomes require 2 parking spaces per unit, the AFFH units require 1 for each unit, plus ½ for each bedroom and the apartments require 2 for each dwelling, plus ½ for each bedroom in excess of 2, plus 10% visitor parking.*

*In addition, the parking plan should demonstrate conformance with the parking requirements in [355-24.H](#) of the Town Code.*

#### **Response No. 2**

**The site plans and the Zoning Compliance Table on Drawing C-000 “Cover Sheet” have been updated to reflect the parking quantities required by the Town Code.**

#### **Comment No. 3**

*The Applicant should update the Planning Board regarding the status of providing potable water to the project.*

#### **Response No. 3**

**See Response to Procedural Comment No. 9 above.**

#### **Comment No. 4**

*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.*

#### **Response No. 4**

The Applicants had discussions with the Byram Hills School District Transportation Supervisor prior to filing the application with the Planning Board regarding their requirements. The school district suggested a bus stop at the intersection of Cooney Hill Road and the proposed north road (former Weber Place) which was previously a bus stop for the Cooney Hill neighborhood. They anticipate a small bus given the limited number of school-aged children anticipated. The Applicants have requested a letter to verify these requirements from the Byram Hills School District in response to this comment which will be supplied upon receipt.

#### **Comment No. 5**

*Pursuant to Section 355-24.F of the Town Code, the site plan should be revised to depict and quantify the proposed amount of open space and recreation area. At least 50% of the gross area of the site is required to be open space or recreation area.*

#### **Response No. 5**

Please see the attached Exhibit C “Open Space, Building Coverage & Net Lot Area” which provides calculations of open space, building coverage, and net lot area. This exhibit demonstrates that the amount of open space for the total site is 67%, which is greater than the 50% requirement.

#### **Comment No. 6**

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

#### **Response No. 6**

The Applicants have had discussions with the Planning Department as a follow up to this comment. The current subdivision and site plan drawings include each lot and have grading plans (C-201/202), utilities plans (C-301/302), landscape plans (L-101/102), etc. There is also a typical plan with driveways, patios and landscaping shown for each of the townhouse unit types (L-103). JMC can provide additional information associated with L-103 as may be recommended by the Planning Department. Given the nature of the attached townhome developments on small fee simple lots, we do not believe that a fully detailed site plan sheet for each specific lot should be a Planning Board requirement as part of approving the site plan applications.

To facilitate the objectives of the Planning Board, Planning Department and Applicants, we would anticipate the Planning Board granting final site plan approval for each lot at the same time the subdivision plat is approved. A site plan approval condition should be added to any approval that development of each lot must be materially consistent with the approved plans. We would also request that the Planning Board delegate authority to the Planning and Building Departments to approve minor changes consistent with Section 355-46 of the Town Code. In addition



to that Section of the Code, we would request the Planning Board delegate authority to the Planning and Building Departments to administratively approve as a minor change any swapping out of an approved unit type at the time of building permit application if the swap is consistent with the overall Planning Board site plan approval and does not represent a material change to the lot or Project. Because the Planning Board will be approving site plans for each of the lots in the subdivisions concurrently, an appropriately crafted condition and delegation of authority will ensure compliance with the Planning Board's approvals without the need for additional reviews other than at the building permit stage of development.

Comment No. 7

*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.).*

**Response No. 7**

Drawings L-101, L-102 and L-103 depict the extensive landscaping proposed for the project. Toll Brothers is not proposing fencing or enclosed patios which is consistent with their experience of what home buyers in its townhome developments prefer. The landscaping proposed will provide adequate visual privacy and separation for a comfortable living experience by residents in the community.

Comment No. 8

*The Applicant has submitted floor plans and elevations that differ from the units depicted on the site plan (Walters, Saunders and Wilkerson). The Applicant should indicate where Atkinson and Welwyn units are proposed.*

**Response No. 8**

Drawing C-100 "Overall Layout Plan" has been updated to include a summary table that indicates the location of each unit.

Comment No. 9

*The site plan should be revised to include a FAR backup exhibit that will permit the Planning Department to verify the depicted 0.7 FAR in the R-MF-SCH zone.*

**Response No. 9**

Drawing C-000 "Cover Sheet" has been updated to include floor area ratio (FAR) calculations. Exhibit C "Open Space, Building Coverage & Net Lot Area" provides the net lot area. Architectural plans by Lessard Design, Inc. include floor plans with "Tabulations" that summarize gross floor area.

Comment No. 10

*Density in the R-MF-SCH and R-MF-A zones are based upon Net Lot Area. The Zoning Compliance Chart shall be revised to depict net lot area, the calculations used to derive net lot area as well as an exhibit demonstrating the areas used to calculate net lot area.*

**Response No. 10**

**Drawing C-000 “Cover Sheet” has been updated to include “net lot area” on the Zoning Compliance Table and net lot area calculations below the Area Map. Exhibit C “Open Space, Building Coverage & Net Lot Area” has been prepared to show the areas used to calculate net lot area.**

Comment No. 11

*The Applicant should submit a building coverage exhibit for the R-MF-A and R-MF-SCH zoning districts.*

**Response No. 11**

**Please see the attached Exhibit C “Open Space, Building Coverage & Net Lot Area” which illustrates open space, building coverage, and net lot area. The calculations include R-MF-SCH and R-MF-A District breakdowns.**

Comment No. 12

*The site plan should be revised to include floor plans and elevations (and details) of the proposed clubhouse/amenity site.*

**Response No. 12**

**Updated Architectural Plans for the Townhomes are enclosed including floor plans, elevations and renderings of the proposed clubhouse.**

Comment No. 13

*The site plan should be revised to quantify the proposed amount of Town-regulated steep slope disturbance proposed.*

**Response No. 13**

**Drawing IPP-1 “Integrated Plot Plan” has been updated to show and quantify the Town-regulated steep slopes disturbance.**

Comment No. 14

*The site plan should be revised to quantify the proposed amount of Town-regulated tree removal proposed.*

**Response No. 14**

**Drawings C-151 through C-155 “Tree Protection Plans and Tables” now include a tree summary which quantifies the number of Town-regulated trees to be removed.**

**Comment No. 15**

*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).*

**Response No. 15**

**Drawings C-102 “Layout Plan” and C-202 “Grading Plan” quantify the amount of Town-regulated wetland buffer disturbance (7,696 sf) and mitigation (15,400 sf). There is no wetland disturbance proposed.**

**Comment No.16**

*The disposition and possible relocation of the existing 1820’s farmhouse should be discussed.*

**Response No. 16**

**The Town Board’s Findings note in Section 5.12.a that the NYS OPRHP found the farmhouse is not historically significant. As noted by the Town Board, the Town may coordinate with the Applicants if the Town or a community partner wants to undertake the cost and secure a relocation of the structure. Unless the Town or a community plan is developed for such an off-site relocation in the next few months, it is the Applicants intention to demolish the structure.**

**Comment No. 17**

*The site plan should be revised to include a unit chart for all units. Each AFFH should be identified in the chart (16 AFFH units). The chart should note location, number of bedrooms and size of each unit.*

**Response No. 17**

**Drawing C-100 “Overall Layout Plan” has been updated to include unit summaries for all units. The charts identify unit number (location), market rate or AFFH, unit type, number of bedrooms, and size of each unit.**

**Comment No. 18**

*The Applicant should indicate whether blasting, chipping or rock crushing is proposed.*

**Response No. 18**

**Blasting and chipping activities are anticipated in isolated areas extending up to 8 to 16 feet into bedrock. Should blasting be required it would be done in accordance with the Town's Blasting Protocol (Town Code Chapter 122, "Blasting and Explosives"). Further information will be included in the Construction Management Plan.**

**Comment No. 19**

*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.*

**Response No. 19**

**The Integrated Pest Management ("IPM") specialist for the MBIA Office Expansion project is no longer in business. JMC has reached out to Bartlett Tree Experts for development of an updated IPM plan including a turf management plan. The Applicants anticipate that provision of these items can be conditions of the Planning Board's site plan approval.**

**Comment No. 20**

*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.*

**Response No. 20**

**Airport Campus has spoken with the WCDOH regarding the existing potable water system serving the buildings and conversion of the wells to serve as an irrigation supply as part of its existing permits. JMC has followed up with 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.**

**Comment No. 21**

*Lighting details should be submitted for review. All proposed fixtures should be full-cutoff downlit lights that are dark sky compliant.*

**Response No. 21**

**WLS Drawing WLS-17145 (Sheet 3) has been added to the set which includes lighting details. All proposed fixtures will be full-cutoff downlit lights that are dark sky compliant.**

Comment No. 22

*The site plan shall specifically identify the location of any stone wall removal.*

**Response No. 22**

**Drawing C-020 “Demolition Plan” has been updated to identify locations of stone wall removal.**

Comment No. 23

*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.*

**Response No. 23**

**Drawing C-402 “Erosion and Sediment Control Plan” indicates the location of the dividing phase line.**

Comment No. 24

*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.*

**Response No. 24**

**The Applicants anticipate developing a program in consultation with the Town Building Department and implementing same as part of the Site’s redevelopment post any Planning Board approval of the subdivision and site plan.**

Comment No. 25

*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.*

**Response No. 25**

**A draft CMP Outline was included as Appendix L in the DEIS. The Applicants anticipate an updated and final CMP being prepared by the Construction Manager/Contractor and filed in furtherance of the Town Board’s SEQRA findings subsequent to any Planning Board approval of the subdivision and site plan.**

Comment No. 26

*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.*

**Response No. 26**

**The DEIS stated that closure reports for four of the former residences were not in the 2013 Phase 1 ESA provided in Appendix B-5. The ESA stated that there were no closure reports for 129 & 137 King Street and 1 & 7 Cooney Hill Road. The enclosed letter from Nesbro Corporation, dated 01/30/2004, indicates that the fuel oil tanks at 129 King Street and 1 & 7 Cooney Hill Road were permanently closed, removed and had no leaks. JMC has submitted a FOIL Request to the Building Department for copies of the four closure reports.**

Comment No. 27

*The Applicant shall submit a preliminary plat along with all other required information required pursuant to Chapter 275 of the Town Code. The Applicant should submit a plat map with all required information, any required public improvements, designs for streets, and any proposed easements.*

**Response No. 27**

**Drawing PSP-1 “Preliminary Subdivision Plat” has been developed and together with Drawing IPP-1 “Integrated Plot Plan”, includes the required information pursuant to Chapter 275 of the Town Code.**

Comment No. 28

*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.*

**Response No. 28**

- a. **R-MF-SCH - Section 355-27 of the Town Code does not require a reservation of parkland or have recreational requirements for senior buildings and associated lots. Using Section 355-24F(4) as a guide (which requires 300 square feet of such space per density unit in many multifamily projects), the 43 units proposed in the 55+ building would equate to 5,550 square feet of recreational space for the needs of seniors. Here the R-MF-SCH building proposed by Airport Campus has numerous recreational and amenity spaces planned including a gym, theater, game room, wine cellar, and outdoor passive spaces around the pond and a roof deck. The interior spaces on the plans show nearly 17,000**

square feet of such amenity space which more than exceeds the requirements of Section 355-24F(4) if it were applicable.

- b. R-MF-A Section 355-25(B)(2) of the Town Code states that instead of the requirements set forth in 355-24F(4), R-MF-A projects shall comply with Chapter 225 of the Town Code as far as parkland/recreation areas irrespective of the form of ownership. Section 225-3 requires the provision of parkland and recreation areas at 12% of the total site area improved with facilities to meet the anticipated neighborhood recreational needs. As applied to the multifamily townhouse project by Toll Brothers, that equates to approximately 4.12 acres of land.

For the townhomes, 9.14 acres of land are being put aside as a conservation easement area with over a half of mile of walking trails on the site. Additionally, there is a clubhouse with a gym, community room, outdoor kitchen, pool and other outdoor passive spaces. And the Town Board required 50% of the market units to be age-targeted, so the Applicants do not anticipate a significant number of school-aged children in the community.

Section 225-5 of the Code sets the maximum recreation fees at \$3,000 per market rate unit and \$1,000 per AFFH for townhouse developments which assumes no on-site recreational facilities are provided at all. In the Toll Brothers project that equates to \$351,000.00 as a recreational fee cap if there were no recreational facilities. Pursuant to Section 255-5 of the Code, the Planning Board is responsible for determining 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. The Town's Parks and Recreation information related to townhouse usage of municipal recreation facilities should guide the Planning Board in its final determination.

Comment No. 29

*The site plan indicates signage is proposed for the project in the location of existing signage. The design of the signage should be included on the plans.*

**Response No. 29**

**Drawing C-904 "Construction Details" has been updated to include a detail of the signs proposed at the King Street Entrance. In addition, +/- 2'x2' property identification signs are proposed on the reconstructed pillars at the Cooney Hill Road entrance.**

Comment No. 30

*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.*

**Response No. 30**

**The Applicants will comply with this requirement and subsequent to any Planning Board approval of the subdivision and site plan applications anticipate incorporating same in relation to creation of the Homeowners Association for the Toll Brothers townhome development and meeting other Town requirements for the Senior Housing building set forth in the Town Board Findings.**

**Comment No. 31**

*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.*

**Response No. 31**

**See Response to Comment No. 30 above and the Applicants anticipate filing such a restriction as part of recording the final subdivision plat with the County Clerk.**

**Comment No. 32**

*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.*

**Response No. 32**

**With regard to the townhomes, as noted in the HUD Manual (Hud Document #16417), Chapter 4 "Noise Attenuation", "...the Sound Transmission Class (STC) is used as a measure of a material's ability to reduce sound. Sound Transmission Class is equal to the number of decibels a sound is reduced as it passes through a material.....For example, if the external noise level is 85 dBa, and the desired internal level is 45 dBa, a partition of 40 STC is required. The Sound Transmission Class rating is the official rating endorsed by the American Society of Testing and Measurement. It can be used as a guide in determining what type of construction is needed to reduce noise." Per the HUD Manual, a common stud wall carries an STC rating of 35, equivalent to a reduction of 35 dBa. A standard Tilt-Wash Double Hung Full-Frame Window by Anderson carries an STC rating of 29, equivalent to a reduction of 29 dBa. As per the Westchester County Airport Monitor Program, the highest recorded noise level at Noise Monitoring Terminal (RMT) #1, which is located at Cooney Hill Road in North Castle, was 61.9 dBa in the latest published report dated August of 2023. Thus, using the lower STC value associated with the Anderson Window mentioned above, the highest anticipated interior noise level in a townhome would be 32.9 dBa, which is well under the 45 dBa threshold.**



Comment No. 33

*Given the site's potential to house Indiana and northern long-eared bats, tree removal should only be between October 1 and March 31 to avoid any potential impacts to bats during construction. In addition, as recommended by the USFWS, no artificial dyes, coloring, insecticide, or algaecide such as copper sulfate, shall be placed in stormwater control structures on the site.*

**Response No. 33**

**The Applicants' consultants followed up with NYSDEC for a final determination on whether or not the Site would have tree removal restrictions due to possible bat habitat. An email from NYSDEC dated November 6, 2023 is attached confirming that there will be no such requirement such that the clearing and construction phasing will not limit tree removal during the Fall and Winter months. The final SWPPP will incorporate USFWS recommendations.**

Comment No. 34

*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.*

Response No. 34

**As noted in response to Comment No. 19, the IPM specialist for the MBIA Office Expansion project is no longer in business. JMC has reached out to Bartlett Tree Experts for development of an updated IPM plan including a turf management plan. The Applicants anticipate that provision of these items can be conditions of the Planning Board's site plan approval.**

Comment No. 35

*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.*

**Response No. 35**

**Please refer to updated plans and tabulations indicating the location of AFFH units.**

Comment No. 36

*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.*

**Response No. 36**

**The Applicants acknowledge this requirement for marketing of the AFFH units.**

**Comment No. 37**

*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.*

**Response No. 37**

**The Applicants acknowledge this requirement for rents or sales prices of the AFFH units.**

**Comment No. 38**

*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.*

**Response No. 38**

**The Applicants acknowledge this time period requirement for the AFFH units.**

**Comment No. 39**

*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.*

**Response No. 39**

**The Applicants acknowledge this requirement and anticipate recording a declaration at the time the final subdivision plat is recorded with the County Clerk.**

**Comment No. 40**

*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.*

**Response No. 40**

**Please refer to Lessard drawing A.002 “Tabulations” which identifies average unit areas for market rate and AFFH units.**

**For the Townhomes, please refer to Sheet 7 of the Toll Brothers Conceptual Architecture package, which shows a breakdown of unit square footages and compliance with Section 355-34.I(6)(a) of the Town Code.**

LOT AREA:  
 TOTAL SITE = 1,689,570 SF / 38.79 ACRES  
 R-MF-SCH = 195,606 SF / 4.49 ACRES  
 R-MF-A = 1,493,964 SF / 34.30 ACRES

OPEN SPACE AREA:  
 TOTAL SITE = 1,131,706 SF / 25.98 ACRES / 67%  
 R-MF-SCH = 114,818 SF / 2.64 ACRES / 59%  
 R-MF-A = 1,016,888 SF / 23.34 ACRES / 68%

BUILDING COVERAGE:  
 TOTAL SITE = 302,723 SF / 6.95 ACRES / 18%  
 R-MF-SCH = 37,120 SF / 0.85 ACRES / 19%  
 R-MF-A = 265,603 SF / 6.10 ACRES / 18%

WETLANDS & WATERBODIES:  
 TOTAL SITE = 61,147 SF / 1.40 ACRES  
 R-MF-SCH = 50,466 SF / 1.16 ACRES  
 R-MF-A = 10,682 SF / 0.25 ACRES

STEEP SLOPES (25% OR GREATER):  
 TOTAL SITE = 17,638 SF / 0.40 ACRES  
 R-MF-SCH = 0 SF / 0.00 ACRES  
 R-MF-A = 17,638 SF / 0.40 ACRES

NET LOT AREA:  
 TOTAL SITE = 1,630,481 SF / 37.43 ACRES  
 R-MF-SCH = 157,757 SF / 3.62 ACRES  
 R-MF-A = 1,472,724 SF / 33.81 ACRES

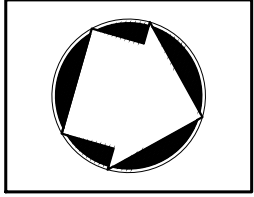
MULTI-FAMILY LOT  
 R-MF-SCH DISTRICT  
 4.49 ACRES

TOWNHOME LOT  
 R-MF-A DISTRICT  
 34.30 ACRES



**JMC**

120 BEDFORD RD  
 ARMONK  
 NY 10504  
 (914) 273-5225  
 fax 273-2102  
 JMCPLLC.COM



**AIRPORT CAMPUS**  
 NORTH CASTLE, NY 10504

**OPEN SPACE, BUILDING  
 COVERAGE & NET LOT AREA**  
 JMC PROJECT: 15072

DATE: 11/10/2023

EXHIBIT C

SCALE: 1"=300'

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## David P. Lombardi, PE

---

**From:** Kevney Moses <kmoses@tollbrothers.com>  
**Sent:** Wednesday, November 8, 2023 12:19 PM  
**To:** David P. Lombardi, PE; Anthony Guccione, Jr., RLA  
**Cc:** Geoff Ringler; Fisher, Christopher  
**Subject:** FW: MBIA site - Armonk - Westchester Cty - bats

### Kevney Moses

#### Land Entitlement Manager, NY Metro

Toll Brothers

42 Old Ridgebury Rd, Danbury, CT 06810

Office: (203) 616-4920 | Cell: (571) 344-4811 | Fax: (203) 616-4950



**Toll Brothers**  
#1 HOME BUILDER  
FORTUNE WORLD'S MOST  
ADMIRABLE COMPANIES  
2023

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**From:** Michael Nowicki <ecolsol@aol.com>  
**Sent:** Monday, November 6, 2023 4:56 PM  
**To:** Geoff Ringler <gringler@panamequities.com>; Kevney Moses <kmoses@tollbrothers.com>  
**Subject:** Fw: MBIA site - Armonk - Westchester Cty - bats

here you go

----- Forwarded Message -----

**From:** Masi, Lisa M (DEC) <[lisa.masi@dec.ny.gov](mailto:lisa.masi@dec.ny.gov)>  
**To:** [ECOLSOL@AOL.COM](mailto:ECOLSOL@AOL.COM) <[ecolsol@aol.com](mailto:ecolsol@aol.com)>  
**Cc:** Booth-Binczik, Susan D (DEC) <[susan.booth-binczik@dec.ny.gov](mailto:susan.booth-binczik@dec.ny.gov)>; dec.sm.Wildlife.R3 <[wildlife.r3@dec.ny.gov](mailto:wildlife.r3@dec.ny.gov)>  
**Sent:** Monday, November 6, 2023 at 04:43:30 PM EST  
**Subject:** RE: MBIA site - Armonk - Westchester Cty - bats

Hello Mike,

From a DEC perspective, the Department would not require winter cutting to avoid impacts to bats (location is not within 5 miles of a documented NLEB hibernation site, within 1.5 miles of a documented NLEB roost site, or within 2.5 miles of an Indiana bat record (roost location of hibernation site)).

The Bald Eagle nests (2, NY-312A &B) closest to the project are no longer active, or subject to a USFWS Permit for removal held by Westchester County Airport.

As such, a State Endangered or Threatened Species Incidental Take Permit would not be required for this project as described.

This email speaks only to Article 11 Endangered and Threatened Species Permitting and does not address any other Department Jurisdictions.

Please let me know if you have any questions.

Lisa

## **Lisa Masi**

Senior Wildlife Biologist, Division of Fish and Wildlife

*Pronouns: She/Her/Hers*

### **New York State Department of Environmental Conservation**

21 South Putt Corners Road, New Paltz, NY 12561

P: (845) 256-2257 | F: (845) 255-4659 | [lisa.masi@dec.ny.gov](mailto:lisa.masi@dec.ny.gov)

[www.dec.ny.gov](http://www.dec.ny.gov) |  | 

January 30, 2004

FedEx # 837713377122

MBIA Insurance Corporation  
113 King Street  
Armonk, New York 10504  
Attn Ms. Maryann Martini

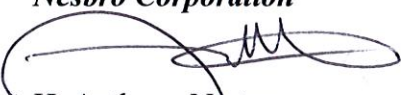
Re: Oil Tank Removal Project:  
129,131,133,135 King Street, 1,5,7 Cooney Hill Rd, 1,5,6,8,9 Weber Place, Armonk, N.Y.

Dear Ms. Martini,  
We are pleased to inform you that the fuel oil storage tanks at the following properties have been permanently closed and removed:

| <u>Site</u>        | <u>Tank Size</u> | <u>Status</u> | <u>NYSDEC Spill Number</u> |
|--------------------|------------------|---------------|----------------------------|
| 129 King Street.   | 550              | No Leak       | N/A                        |
| 131 King Street    | 1,000            | Leak          | 03-11271                   |
| 133 King Street    | 550              | Leak          | 03-11272                   |
| 135 King Street    | 1,000            | No Leak       | N/A                        |
| 1 Cooney Hill Road | 1,000            | No Leak       | N/A                        |
| 5 Cooney Hill Road | 275              | No Leak       | N/A                        |
| 7 Cooney Hill Road | 1,000            | No Leak       | N/A                        |
| 1 Weber Place      | 1,000            | Leak          | 03-11270                   |
| 5 Weber Place      | 275              | No Leak       | N/A                        |
| 6 Weber Place      | 550              | Leak          | 03-11260                   |
| 8 Weber Place      | 550              | No Leak       | N/A                        |
| 9 Weber Place.     | 550              | No Leak       | N/A                        |

In accordance with the Town of North Castle tank closure requirements, Code Enforcement Officer Mr. William Richardson conducted site inspections of the aforementioned sites on January 6, 2004. Copies of the Inspection Reports are attached. Contaminated soils generated by this project have been tested, removed for the site, and legally disposed. Excavated areas have been restore to original grade with clean fill and rough graded. Site remediation for the four (4) leaking tanks has also been completed. Formal closure reports will be provided within two weeks. As always, I am available to answer any questions or to provide you with additional information.

Very truly yours  
**Nesbro Corporation**



H. Anthony Nester  
President

cc: File ✓  
John Meyer Consulting, Robert Roth, P.E. [w/o enclosures]  
Enclosures (12)

**P.O. BOX 7344      Newburgh, New York 12550-7344**

**Telephone: 1-845-565-5904**

**Facsimile: 1-845-565-5904**

**email: NESBRO@AOL.com**