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January 22, 2024

Chairman Christopher Carthy
and Members of the Planning Board
Town of North Castle
15 Bedford Road
Armonk, NY 10504

Re: Subdivision, Site Plan, Wetland Permit, and Tree Removal Permit
Redevelopment of the Former MBIA Headquarters
113 King Street, Armonk, NY
Supplemental Submission
Tax Id: 118.02-1-1; 113.04-1-13; 113.04-1-14; and 113.04-1-20

Dear Chairman Carthy and Members of the Planning Board:

On behalf of the property owner Airport Campus and contract vendee Toll Brothers (the “Co-Applicants”), we are making this supplemental submission in furtherance of the pending Subdivision, Site Plan, Wetland Permit, and Tree Removal Permit Applications associated with the redevelopment of the former MBIA Headquarters. Enclosed is a package of additional information in furtherance of the Board’s comments at the January 8, 2024 Hearing and detailed responses to the latest Planning Department review memorandum. We look forward to appearing at the February 12, 2024 continued Hearing scheduled on this Application at which time we anticipate requesting the Board to consider adoption of resolutions at its February 26, 2024 meeting. If in the interim there are any questions regarding the enclosed, please do not hesitate to contact me or Anthony Guccione at JMC.

Kind regards,

Christopher Fisher

Enclosures

cc: Adam Kaufman, Town Planner
Roland Baroni, Town Attorney
John Kellard, Town Engineer
Airport Campus LLC
Toll Brothers, Inc.
JMC
Maximillian Mahalek, Esq.

SUPPLEMENTAL SUBMISSION AND RESPONSE TO COMMENTS

To: Town of North Castle Planning Board
From: Airport Campus and Toll Brothers
Date: January 22, 2024
**Re: Subdivision, Site Plan, Wetland Permit, and Tree Removal Permit
 Redevelopment of the Former MBIA Headquarters Site**

Enclosed for filing with the Planning Board are responses to the Town of North Castle Planning Department memorandum dated 1/3/24 along with information responsive to Planning Board comments at the 1/8/24 Hearing. Enclosed are also drawings that have been updated along with substantive responses and other documents responsive to the open items, as prepared by the entire project team.

Enclosed you will find:

JMC Drawings, last revised January 22, 2024 and comprising the following sheets:

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.

Lessard Design, Inc. conceptual floor plan drawings dated July 22, 2022 illustrating amenities and comprising the following sheets (being updated to reflect the building proposal):

A.101: Basement Floor Plan; and
A.102: 1st Floor Plan

WLS Lighting Drawings, last revised November 8, 2023 and comprising the following sheets:

- WLS-17145 – Sheet 1
- WLS-17145 – Sheet 2
- WLS-17145 – Sheet 3

Also enclosed you will find:

- Revised Turf Management Plan, prepared by Marco Goncalves and dated December 18, 2023;
- Draft Construction Management Plan dated January 22, 2024;
- Supplemental Report regarding noise from B. Laing Associates dated January 19, 2024; and
- Memorandum regarding noise from Cuddy & Feder LLP dated January 22, 2024.

Town Planning Department Procedural Comments/Notes

Comments No. 1, 2, 4, 5, 6, 8, 9, 10, and 11

Procedural comments and referrals.

Updated Responses No. 1, 2, 4, 5, 6, 8, 9, 10, and 11

The Applicants acknowledge these comments and requirements and that various referrals have been made. The Applicants are requesting that the enclosed information be considered by the Planning Board at the continued February 12, 2024 Hearing and the Board consider closing the Hearing and requesting staff to prepare resolutions for consideration at the Board's February 26, 2024 meeting.

Updated Response No. 3

The Applicants intend to submit additional architectural materials ahead of the ARB's February 21, 2024 meeting and to request ARB approval at that time.

Updated Response No. 7

The Applicants filed a Stage 1 submission with the NYSDOT. NYSDOT is reviewing same. The Applicants also filed a Temporary Use and Occupancy permit with the NYSDOT to start their process for approval of the water main planned for King Street.

Town Planning Department General Comments

Comment No. 1

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

Updated Response No. 1

The Water Petition to extend Water District Number 8 was filed with the Town Board on January 4, 2024 which voted to receive it on January 10, 2024. A Public Hearing required by state statute has been scheduled for February 14, 2024.

Comment No. 2

The site plan should be revised to provide details of all site plan elements other than the development of the single family homes. Specifically, the Applicant should provide elevations of the proposed water storage tank, floor plans, elevations and a detailed site plan for the amenities area and floor plans and elevations of the proposed booster pump station

Response No. 2

As requested, enclosed are conceptual floor plans further detailing the amenity spaces in the multifamily building. These floor plans are being refined to match the building proposal. In addition, a section/elevation of the water tank and booster pump station has been added to JMC Drawing C-904, Detail # 63.

Comment No. 3

The multifamily building floor plans should be revised to provide additional detail to the spaces labeled “amenity.”

Response No. 3

Enclosed are conceptual floor plans showing the general layout of the amenities in the multi-family building (being revised to match the building plan). Planned amenities include:

- **Resident’s Lounge with Seating and a Bar**
- **Private Theater**
- **Fitness Center**
 - **Cardio Floor, Weight Floor, and Group Exercise Studio**
- **Locker Rooms with Showers**
- **Massage Room**
- **Laundry Drop off**
- **Private Dining Room with Catering Kitchen (to be utilized privately by residents)**
- **Library**
- **Game/Billiards/Card Room**
- **Wine Storage Room**
- **Golf Simulator**
- **Pet Salon**
- **Secondary Lounge Room**
- **Club Room**

Additional amenities for residents are highlighted on the site plan. Specifications for the internal placement and partitions of these amenities will be confirmed post-site plan and subdivision approval as a part of final construction drawings and the building permit process.

Comment No. 4

The Applicant had discussions with the Byram Hills School District Transportation Supervisor. The school district suggested a bus stop at the intersection of Cooney Hill Road and the proposed north road (former Weber Place).

Updated Response No. 4

The bus stop location, adequate turning radius and other aspects of the school district’s request as incorporated into the Applicants’ plans were discussed at the Planning Board’s January 8th Hearing.

Comment No. 5

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.

Updated Response No. 5

Post-site plan approval reviews of townhome unit plans were discussed at the Planning Board's January 8th Hearing. The Applicants appreciate the flexibility that RPRC will have in the event there are any material changes to a specific site plan for a townhome (e.g., bump outs, patio locations, etc.) and without the requirement to return to the Planning Board for amended site plan approval. In those instances where there are no material changes for a unit at the time of construction permit filings (i.e., a fully conforming unit site plan to the Planning Board approval), RPRC review may not be needed as provided for in Sections 355-41 and 355-42 of the Town Code which aids in efficiencies of staff and Applicant's time and costs.

Comment No. 6

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

Response No. 6

Slope disturbances have been minimized to the greatest extent practicable as part of the overall development of the project site.

Comment No. 7

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

Updated Response No. 7

The site plan proposes more than 1:1 tree planting as mitigation and the Conservation Board approved the project and recommendations in its referral report in furtherance of Section 239-y.3 of the New York General Municipal Law.

Comment No. 8

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

Updated Response No. 8

The Conservation Board approved the project and found the 2:1 mitigation for wetland buffer impacts acceptable, as noted in its December 7, 2023 correspondence with recommendations on plantings and pesticide and herbicide restrictions.

Comment No. 9

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.

Updated Response No. 9

This has been discussed at various Planning Board meetings. The Applicants are still not aware of any Town or a community plan proposed for off-site relocation and are

not proposing any on-site repurposing of the structure.

Comment No. 10

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.

Updated Response No. 10

A Draft Construction Management Plan is enclosed. Construction of the project may require limited blasting and chipping activities. A stabilized construction access, which is a minimum of 50 feet in length and 20 feet in width, will be installed using 8 inches of crushed stone at the specific locations where construction vehicles would exit. Any permit required by Chapter 122 of the Town Code will be applied for at the time of construction. The Applicants reserve the right to conduct rock and concrete crushing at the site during the demolition and earthwork phases of construction. A potential rock crushing location is depicted on JMC Drawing C-020 “Demolition Plan”.

Comment No.11

The turf management plan shall be revised to require the use of organic based fertilizers with zero phosphorus (not just low or recommended).

Updated Response No. 11

A revised Turf Management Plan is enclosed.

Comment No. 12

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.

Updated Response No. 12

The Westchester County Department of Health (“WCDOH”) has indicated that using existing on-site wells for the proposed irrigation system is acceptable. An application for an irrigation well will need to be submitted to WCDOH for review and approval. The Applicants are not aware of any objection to same by WCDOH and the matter may be reviewed by WCDOH in conjunction with the review process for extension of potable water to the site which will occur as part of the Town Board’s consideration and any approval for extension of Water District No. 8.

Comment No. 13

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.).

Updated Response No. 13

Notes have been added to Drawing C-402 regarding phasing. The dividing line between Phase 1 and Phase 2 is clearly delineated and labeled on the Plan, near the clubhouse. In addition, Phase 1 and 2 sequences of construction included on the plan indicate what is proposed to be constructed in each phase, including the number of townhouse buildings and number of units. The Town Planning Department has indicated to the Applicants that this information adequately addresses this comment for Planning Board review.

Comment No. 14

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. 14

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. We would anticipate this being a condition of Planning Board site plan approval.

Comment No. 15

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.

Updated Response No. 15

The Draft Construction Management Plan is enclosed.

Comment No. 16

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

Updated Response No. 16

The Applicants filed a FOIL request with the Building Department for Closure Reports. There is no Closure Report available for 137 King Street. All evidence supports that the residential oil tank was properly removed and disposed of without issue. The Applicants will coordinate with the Town Engineer and Building Department as part of construction and comply with New York State requirements related to residential oil tanks.

Comment No. 17

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.

Updated Response No. 17

Drawing PSP-1 “Preliminary Subdivision Plat” has been updated and together with Drawing IPP-1 “Integrated Plot Plan,” includes the requested information, with the exception of metes and bounds for all proposed property lines. The Applicant’s surveyor is preparing a Final Subdivision Plat which will include the metes and bounds for all proposed property lines. The Applicants will coordinate with Town Staff on proposed section-block-lot numbers for the individual lots.

Comment No. 18

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. 18

The Applicants and Planning Board had a detailed discussion on recreation fees at the November 27, 2023 meeting and January 8, 2024 Hearing. The Planning Board will make a determination as to the on-site recreational amenities in the R-MF-A project, unmet demand from that portion of the project generally associated with usage of recreational fields the Town owns and maintains, and how much of the \$351,000.00 fee cap under the Town Code should be assessed to Toll Brothers.

Comment No. 19

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.

Updated Response No. 19

Drawing C-904 “Construction Details” includes Detail # 61 which depicts 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. Final signage details will be developed post-Planning Board approval and once the community name is established by the Applicants. The Town Planning Department has indicated that the signage plans provided are sufficient for the Planning Board’s review.

Comment No. 20

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. 20

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's Findings.

Comment No. 21

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. 21

The Applicants anticipate filing such a restriction as part of recording the final subdivision plat with the County Clerk.

Comment No. 22

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.

Comment No. 23

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.

Comment No. 24

Pursuant to Section 355-24-I.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.

Comment No. 25

Pursuant to Section 355-24-I.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.

Comment No. 26

Pursuant to Section 355-34.I(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.

Responses Nos. 22-26

These comments and the relevant requirements are acknowledged.

Planning Board Comment at January 8, 2024 Hearing

The following update is provided to the Board in response to a comment the Board provided at its January 8, 2024 Hearing:

- *As noted in the Report provided by B. Laing Associates, the extent of potential interior noise associated with aircraft activity meets FAA and Town standards incorporated into the FEIS utilizing measurement protocols established by the FAA (and the U.S. Department of Housing and Urban Development). Enclosed are supplemental materials providing additional information and responding further to Planning Board comments on this topic.*