



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

October 16, 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 23, 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.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. A Public Hearing for the proposed preliminary subdivision application, site plan and wetlands permits will need to be scheduled.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>6. The project is located within the NYC Kensico Watershed. The Applicant will need to obtain approval from the NYCDEP.</li> <li>7. The Applicant shall submit the Traffic Impact Study to the New York State Department of Transportation (NYSDOT) for review and comment.</li> <li>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.</li> <li>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.</li> <li>10. The Applicant will need to obtain Westchester County Department of Health approval for the water and sewer main extensions.</li> <li>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.</li> </ol>	<p><u>Staff Notes</u></p> <p>In addition, the site plan should be referred to the Town's Traffic Consultant for review.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>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.</li> <li>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 <a href="#">355-24.H</a> of the Town Code.</li> <li>3. The Applicant should update the Planning Board regarding the status of providing potable water to the project.</li> </ol>	<p>The Applicant should submit existing and proposed floor plans and elevations for review by the Planning Board.</p> <p>The plan will need to depict each space as being accessible and not blocked by another space (no tandem parking).</p>

<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>6. The Applicant will need to submit site plans for each lot for review and approval.</li> <li>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.).</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>11. The Applicant should submit a building coverage exhibit for the R-MF-A and R-MF-SCH zoning districts.</li> <li>12. The site plan should be revised to include floor plans and elevations (and details) of the proposed clubhouse/amenity site.</li> <li>13. The site plan should be revised to quantify the proposed amount of Town-regulated steep slope disturbance proposed.</li> <li>14. The site plan should be revised to quantify the proposed amount of Town-regulated tree removal proposed.</li> <li>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).</li> <li>16. The disposition and possible relocation of the existing 1820's farmhouse should be discussed.</li> <li>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.</li> <li>18. The Applicant should indicate whether blasting, chipping or rock crushing is proposed.</li> <li>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.</li> </ol>	<p>The Planning Board and the Byram Hill School District should further review the proposed bus stop location.</p> <p>The elevations should depict Building Height.</p> <p>If so, details of such activity should be provided to the Planning Board.</p>
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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.
21. Lighting details should be submitted for review. All proposed fixtures should be full-cutoff downlit lights that are dark sky compliant.
22. The site plan shall specifically identify the location of any stone wall removal.
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.
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.
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.
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.
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.
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.
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.
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.
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.
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.
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 algacide such as copper sulfate, shall be placed in stormwater control structures on the site.

The Applicant shall demonstrate how they meet this standard.

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.
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.
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.
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.
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.
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.
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.