

***State Environmental Quality Review Act (SEQRA)  
Planning Board Findings Statement***

***Airport Campus Redevelopment***

Town of North Castle, Westchester County, New York

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Town of North Castle Town Board  
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## **1.0 PROJECT DESCRIPTION**

The Applicant is seeking discretionary approvals, including a zoning map and text change from the Lead Agency in order to repurpose and redevelop approximately 38.8 acres of contiguous property known as “Airport Campus” located at 113 King Street in the Town of North Castle, Westchester County, New York. The development of the Site as described below (under Section 2.B.2, Preferred Alternative), together with the Revised Proposed Zoning, is referred to as the Proposed Action.

### **1.1 ALTERNATIVES CONSIDERED**

The Proposed Action evolved throughout the SEQRA review process, through input from the Lead Agency, Involved and Interested Agencies, and the public. In total, ten alternatives were evaluated by the Lead Agency. The DEIS included an analysis of eight alternatives, in addition to its analysis of the original project proposed (the “DEIS Project”). The alternatives included:

- DEIS Project
- Alternative 1: No Action – Currently Approved Development Plan
- Alternative 2: No Action – Existing Site Conditions
- Alternative 3: Reduced Height Multifamily Building
  - o Option 1 – 45 feet
  - o Option 2 – 4 stories
- Alternative 4: Static Density
- Alternative 5: Multifamily Building in Cooney Hill Area
- Alternative 6: Senior Housing
- Alternative 7: Increased Townhouse Density
- Alternative 8: Combined Alternative

The FEIS included an analysis of an additional alternative:

- Preferred Alternative

The Lead Agency has determined that the Preferred Alternative, among the DEIS Project and the eight DEIS alternatives, most appropriately balances adverse environmental impacts (including those to traffic, community services, visual character, and density) with social and economic benefits (including consistency with the Town’s Comprehensive Plan as well as positive fiscal and economic impacts to the Town). The various alternatives are briefly summarized below.

#### **1.1.a. DEIS Project**

The DEIS Project proposed the re-occupancy of the Site’s southernmost building for office uses (approximately 100,000 sf). The northernmost existing, approximately 161,000-sf office building would be converted to an approximately 125-key hotel with accessory spa, fitness, and restaurant space. A 149-unit multifamily residential building would be constructed, consisting of five floors of residential space over two stories of above-grade parking and one story of below-grade parking, providing approximately 331 parking spaces, at a height of 78 feet above average grade. Finally, 22 two-story townhomes (up



to 32 feet in height above average grade) would be constructed in the Cooney Hill portion of the Project Site.

#### 1.1.b. No Action – Currently Approved Development Plan

The Project Site currently has site plan approval to increase office space on the Project Site from the approximately 261,000 sf of office and related amenity space that exists today to approximately 499,000 sf of office and related amenity space, as well as to construct a parking structure containing approximately 1,000 parking spaces.

#### 1.1.c. No Action – Existing Site Conditions

Under this alternative, the zoning proposed by the Applicant to facilitate the DEIS Project would not be adopted and the existing DOB-20A zoning district regulations would remain in place. This alternative would not be economically feasible given market conditions and the waning demand for office campus space.

#### 1.1.d. Alternative 3: Reduced Height Multifamily Building

Under this alternative, the five-story (78 feet above grade) multifamily building proposed as part of the DEIS Project would be reduced to either (i) 45 feet, compliant with maximum allowable building height of the existing DOB-20A zoning district, or (ii) 67 feet, greater than the height permitted in the DOB-20A zoning district, but lower than the proposed 78-foot building. While lowering the height of the multifamily building to some extent, this alternative would result in the development of more townhomes in the northern part of the Project Site.

#### 1.1.e. Static Density

This alternative would allow each square foot of approved but unbuilt office and related amenity space to be converted into one and one-quarter (1.25) square feet of residential space. The impacts for this alternative would be comparable to those for the DEIS Project.

#### 1.1.f. Multifamily Building in Cooney Hill Area

This alternative would relocate the multifamily building proposed in the DEIS Project to the northern portion of the Project Site while retaining the same overall program as the DEIS Project. With more paved surfaces necessary to provide access and circulation, greater potential impacts with regard to geology and topography are likely.

#### 1.1.g. Senior Housing

This alternative would replace the residential component of the DEIS Project with “senior citizen housing” as defined by Section 355-4 of the Town Code. It would increase the square footage of the proposed residential program on the Project Site from the proposed 293,225 gsf (DEIS Project) to approximately 446,250 gsf, and the number of dwelling units on the Project Site under this alternative would increase from 171 to approximately 350.

#### 1.1.h. Increased Townhouse Density

This alternative would eliminate the multifamily building proposed under the DEIS Project, and all residential units would be in the form of two-story townhomes. It would result in a larger area of disturbance, more impervious surface area, and would potentially require encroachment into the Site's wetland buffer area.

#### 1.1.i. Combined Alternative

This alternative would combine elements of the DEIS Project, the Reduced Height Multifamily Building alternative and the Static Density alternative. It would result in an increase in the size of the DEIS Project's multifamily parking structure, as well as a larger area of disturbance.

### **1.2 PREFERRED ALTERNATIVE**

Consistent with SEQRA regulations at §617.9, and in response to comments from the Lead Agency, Interested and Involved Agencies, and the public, as well as evolving market needs, the Applicant developed an additional alternative for achieving the purpose and need described in the DEIS that avoids, reduces and further mitigates the potential adverse impacts associated with the DEIS Project. Such comments included those that opined that the DEIS Project was too intense for the Project Site and that the 5-story multifamily building proposed in the DEIS Project was too large and would create adverse visual impacts.

This additional alternative, known as the "Preferred Alternative," is iterative of the alternatives presented in the DEIS and, as discussed herein, does not result in significant adverse environmental impacts not considered in the DEIS. The Preferred Alternative consists of:

- The construction of approximately 125, fee simple, 2-story, 3-bedroom townhouses;
- Removal of the Site's existing 29-foot tall, two-story, approximately 316-space parking garage and the 37.5-foot tall, three-story, approximately 161,000 square foot northern office building;
- Repurposing the Site's southern office building as approximately 50, two-bedroom dwelling units in a multifamily building, the occupancy of which would be age-restricted to those 55 years of age and older, as required by the Town's R-MF-SCH Zoning District, and permitted by the U.S. Fair Housing Act;
- Construction of a new, 2-story, approximately 60-space parking structure north of the multifamily building;
- Construction of site amenities, including a clubhouse, pool, and mulched walking trails;
- Construction of internal driveways, stormwater management features, and a Site-wide landscaping program; and,
- Extension of public water main from New King Street to the Project Site. Ten percent of the townhouse units and ten percent of the multifamily units would be affordably furthering fair housing units, pursuant to §355-27(B)(5) of the Town Code. 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. This restriction shall be in a form and manner approved by the Town Attorney.

To facilitate the Preferred Alternative, the Applicant amended its original petition to request that the Town Board map a portion of the Site around the office building slated for age-restricted multifamily reuse (“Senior Housing Portion”) within the Town’s existing R-MF-SCH Zoning District, and map the remaining portion of the Site (“Townhouse Portion”) within the Town’s existing R-MF-A Zoning District (collectively, the “Revised Proposed Zoning”). The Applicant is also requesting a minor zoning text amendment to the R-MF-SCH Residence District Regulations (Town Code §355-27(B)(2)). The text amendment would preserve the Town Board’s discretion in establishing R-MF-SCH sites, and would grant the Town Board the authority to establish the dimensional and design requirements, at the time of rezoning, when converting existing office space to senior multifamily residential use.

### **1.3. PROJECT SITE AND CHARACTERISTICS**

The Project Site is located at 113 King Street and is generally bounded by Cooney Hill Road to the north, King Street to the east, and undeveloped forested areas bordering the Kensico Reservoir (owned by the City of New York under the jurisdiction of the NYCDEP) to the west and south. The Project Site is approximately 38.8 acres in size and consists of the following four tax parcels and associated addresses:

- 118.02-1-1 (113 King Street): Approximately 36 acres generally located on the west side of King Street between American Lane and Cooney Hill Road;
- 113.04-1-13 (formerly 3 Weber Place): Approximately 1 acre on the south side of Cooney Hill Road (northwest corner of the Project Site);
- 113.04-1-14 (formerly 1 Weber Place): Approximately 1 acre on the south side of Cooney Hill Road (northwest corner of the Project Site); and
- 113.04-1-20 (formerly 3 Cooney Hill Road ): Approximately 1 acre at the northeast corner of the Project Site, south of Cooney Hill Road and approximately 200 feet west of King Street.

The southern portion of the Project Site is currently improved with what was previously MBIA’s corporate headquarters and contains a vacant, three-story, approximately 100,000-sf office building in the southwest corner; a second vacant, three-story, approximately 161,000-sf office building immediately north of the 100,000-sf building; approximately 328 surface parking spaces (among two surface lots); a three-story parking structure containing approximately 316 parking spaces; a circa 1820s farmhouse and a modern accessory shed/barn; a water feature/stormwater pond; and landscaping. The northern portion of the Project Site, which was previously improved with a residential subdivision, contains upland fields, landscaping, and private outdoor amenities for the uses described above, including paved tennis courts, a volleyball court, and walking paths.

The Project Site has approximately 2,200 feet of frontage along King Street and approximately 900 feet of frontage along Cooney Hill Road. Existing vehicular and pedestrian access is provided through the signalized driveway intersection with King Street/NYS Route 120. Two curb cuts are currently provided into the Project Site from Cooney Hill Road.

The topography of the currently developed (southern) portion of the Project Site ranges from a low of approximately 390 feet above mean sea level at the King Street entrance, to a high of approximately 430 feet to the north. This currently developed portion of the Project Site generally slopes up from King Street to the northwest. The Cooney Hill area (northern extent) of the Project Site ranges in elevation from a high of approximately 470 feet above mean sea level at the Cooney Hill Road/King Street intersection, and generally slopes in a southwesterly direction to a low of approximately 390 feet.

The majority of slopes within the Preferred Alternative's limits of disturbance fall within the 0–15 percent category, and approximately 2,007 sf (0.16 percent) of the Preferred Alternative's overall limits of disturbance meet the Town Code's definition of steep slopes. These Town-regulated slopes within of the Preferred Alternative's limits of disturbance are found along the King Street frontage of the Project Site.

One wetland segment of approximately 0.247 acres is located at the western corner of the Project Site, abutting the east/west-oriented Site boundary to the south of the former Weber Place. The Town of North Castle regulates a 100-foot wetland buffer resulting in approximately 1.81 acres of Town-regulated buffer on the Project Site. The total wetland and buffer area on the Project Site is 2.06 acres (5.4 percent of the Site).

A conservation easement (the "Conservation Easement") between MBIA as grantor and the Westchester Land Trust, Inc. (WLT) as grantee was executed on January 11, 2006. A portion of the conservation easement area includes an irrevocable 50-foot-deep, approximately 1.95-acre strip of property immediately adjacent to the DEP's property. The balance of the conservation easement area (approximately 6 acres) granted to WLT is revocable under two conditions: (i) MBIA has not constructed the proposed office building and the associated parking structure (i.e., the Currently Approved Development Plan ("Currently Approved Plan"), that allows for expansion of the current office use to approximately 499,000 square feet plus the construction of a five-story approximately 1,000 car garage); and (ii) MBIA sells the Cooney Hill lots to a third party for a stand-alone development. The Preferred Alternative proposes development in a portion of the approximately 6-acre revocable section of the Conservation Easement Areas that are revocable, which in the Applicant's opinion is permitted. A portion of a proposed stormwater management basin would be located in the 1.95-acre irrevocable area, similar in location to the basin included in the Currently Approved Plan and SWPPP. Stormwater improvements are expressly permitted in the irrevocable Conservation Easement Areas as set forth in the WLT Conservation Easement.

## **2.0 PREFERRED ALTERNATIVE PURPOSE AND NEED**

The Preferred Alternative would introduce much needed residential housing in the Town, and beneficially repurpose the Project Site from a vacant office campus to a residential neighborhood.

Since its acquisition of the property in 2015, the Applicant has been marketing the property to potential tenants, to date without success. The purpose of the Proposed Action is to provide a solution to these challenges with respect to the Project Site, consistent with the Town's recently updated Comprehensive Plan and in a way that minimizes the impacts and maximizes the benefits to the Town. In updating its Comprehensive Plan, the Town considered, among numerous other matters, current market conditions with respect to office campuses such as the Project Site. Indeed, the Project Site is specifically referenced in several places in the 2018 Comprehensive Plan with respect to both its locational importance and the need to expand its development potential to accommodate a mix of infill development including, but not limited to, residential uses.

The 2018 Comprehensive Plan recognizes that the needs of the Town’s citizens change over time, observing that, “In recent years, the Town has seen its senior and older workforce population (aged 50-64) increase in number, while the young adult population (ages 18-24) and prime labor force age population (34-49) has declined. The high cost of housing and inadequate supply of varied housing types for rent or sale will likely make it difficult for people to age in place while young households decrease in number.” The Comprehensive Plan recognizes that the Town Board took affirmative steps to address the issue, insofar as “the Town Board created the floating R-MF-SCH Multifamily Senior Citizen Housing District.”

The Comprehensive Plan specifically mentions the Project Site as an appropriate site for the introduction of residential uses, suggesting that “[f]or 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 land use patterns.” The Comprehensive Plan goes on to recognize the potential for infill development to add needed housing for the Town’s aging population, finding that “[t]he growth in older age groups of the population over the coming decades suggests encouraging siting and design of new and infill development of smaller, lower maintenance units for seniors near services, enabling more of the population to age in place and stay connected to the community physically and socially.” The Comprehensive Plan also sets forth a series of specific growth, development and housing recommendations, including that the Town “should encourage residential development that is compatible in scale, density, and character with its neighborhood and natural environment,” and that the Town should “[e]xplore opportunities to provide housing for the Town’s senior population.” That section of the Comprehensive Plan specifically targets office parks such as the Project Site as an appropriate opportunity for the introduction of an infill mixed-use development, suggesting that the Town “[e]xplore options to rezone business and office parks in order to create opportunities for infill mixed use residential development where office uses have become, or could become, obsolete. These locations could include the business park, the former MBIA site, Old Route 22, and Mariani Gardens, areas where affordable housing for smaller households will minimize traffic and parking impacts. Additional residential uses in these areas can also help to support Armonk businesses.”

### **3.0 SEQRA REVIEW PROCEDURE**

Pursuant to the rules and regulations of the State Environmental Quality Review Act (“SEQRA,” Article 8 of the Environmental Conservation Law, and its implementing regulations at 6 NYCRR 617), the Town Board, acting as SEQRA Lead Agency, determined that the Proposed Action had the potential to result in one or more significant adverse environmental impacts. To identify appropriate measures to mitigate potential impacts and allow the public the greatest opportunity to comment on the potential impacts of the Proposed Action, the Town Board adopted a Positive Declaration on September 12, 2018, requiring the preparation of an Environmental Impact Statement (“EIS”). Public scoping for the EIS took place over two sessions (September 26th and October 10th, 2018) at the North Castle Town Hall (15 Bedford Road, Armonk, New York). The public comment period on the Draft DEIS Scoping Document concluded on October 26, 2018. On March 13, 2019, the Town Board adopted the Final DEIS Scoping Document, which set forth the analyses required in the EIS.

Subsequent to the adoption of the Final DEIS Scoping Document, the Applicant prepared a DGEIS/DEIS, which was reviewed by Town staff and consultants, as well as reviewed and accepted as complete by the Lead Agency on June 23, 2021, beginning a public comment period. Three duly noticed public hearings were held by the Lead Agency on July 28, 2021, September 9, 2021, and September 22, 2021. During the public comment period, which was open from June 23, 2021 to September 30, 2021, written comments were received from the public, Town staff and consultants, and other Involved and Interested Agencies.

A Final Environmental Impact Statement (“FEIS”) was prepared by the Applicant pursuant to SEQRA and submitted to the Town Board for review. On June 26, 2023, the Lead Agency issued a Notice of Completion of the FEIS, and filed the FEIS.

The DEIS prepared by the Applicant, and accepted by the Lead Agency, included consideration of the potential, hypothetical, rezoning and development of sites other than the Project Site that could theoretically be permitted by the DEIS Zoning Action studied in the DEIS. These potential impacts were analyzed in the “generic” portion of the corresponding document, also referred to as the Draft Generic Environmental Impact Statement (DGEIS). Subsequent to the DEIS/DGEIS being prepared, the Applicant requested that the Town Board defer further consideration of the previously proposed amendments to the DOB-20A zoning district studied in the DGEIS (which would have directly affected sites other than the Project Site) while it considered the Revised Proposed Zoning as incorporated into the FEIS. A Final Generic Environmental Impact Statement (FGEIS) is not required, and was not, prepared. Upon adoption of these SEQRA Findings and as part of any resolution approving the Revised Proposed Zoning, the Applicant has consented to withdrawal of the prior zoning amendments studied in the DGEIS from further consideration by the Town Board.

#### 4.0 REQUIRED PERMITS & APPROVALS

The required permits and approvals for the Proposed Action are set forth in table 1.

**Table 1  
Involved and Interested Agencies**

Involved Agencies	Approval/Review
Town of North Castle Town Board	Zoning Map Amendment; Zoning Text Change; Incorporation of Project Site within North Castle Water District # 8
Town of North Castle Planning Board	Site Plan Approval; Subdivision Approval; Wetland Buffer Disturbance; Tree Removal
Town of North Castle Water and Sewer Department	Connection to North Castle Sewer District #3
Westchester County	Connection to North Castle Sewer District #3
Town of North Castle Highway Department	Driveway Permit
Town of North Castle Building Department	Building Permit
Westchester County Department of Health	Realty Subdivision; Water Main Extension; Sewerage Approval
Town of North Castle Engineering	Water Main Extension; Stormwater Pollution Prevention Plan Approval; Sewerage Approval
Westchester County Department of Environmental Facilities	Sanitary Sewer Allocation
New York State Department of Environmental Conservation [NYSDEC]	State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity and 5-Acre Waiver
New York State Department of Transportation	
New York City Department of Environmental Protection [NYCDEP]	Stormwater Pollution Prevention Plan Approval; Sewerage Approval
New York State Office of Parks, Recreation, and Historic Preservation	Section 14.09 Review
Westchester County Department of Public Works/Department of Transportation (per §239-f of General Municipal Law)	Building Permit Review
Interested Agencies	
Town of North Castle Conservation Board	
Town of North Castle Open Space Committee	
Town of North Castle Parks and Recreation Department	
New York State Office of the Attorney General – Charles Silver, Ph.D, Watershed Inspector General Scientist, Environmental Protection Bureau	
Armonk Fire Department	
North Castle Police Department	
Byram Hills Central School District	
Westchester County Planning Board	Receipt of Revised Proposed Zoning and Site Plan (pursuant to §277.61 of the Westchester County Administrative Code)
NRDC/Riverkeeper	

## **5.0 FINDINGS CONCERNING ENVIRONMENTAL IMPACTS**

The DEIS and FEIS (together, the “EIS”) include an environmental evaluation of the following resource issues:

- Land Use, Zoning and Public Policy
- Geology & Soils
- Topography & Slopes
- Vegetation & Wildlife
- Wetlands
- Stormwater Management
- Utilities
- Traffic & Transportation
- Visual Resources & Community Character
- Community Facilities & Services
- Fiscal & Economic Impacts
- Historic, Archaeological and Cultural Resources
- Air Quality
- Noise
- Construction Impacts

### **5.1 LAND USE, ZONING AND PUBLIC POLICY:**

The following sections set forth the environmental impacts and benefits of the Preferred Alternative, as well as the Planning Board’s Findings regarding those impacts and benefits and the measures required to avoid, minimize, and mitigate significant adverse impacts to the maximum extent practicable.

#### 5.1.a Land Use

The Preferred Alternative would adaptively repurpose the southernmost of the two existing three-story office buildings on the Project Site as a multifamily residential building with approximately 50 two-bedroom, age-restricted units. Parking for the multifamily building would be accommodated in a new, 51-space surface parking lot and a new, 2-story, 60-space parking structure north of the building. The parking structure is anticipated to be connected to the multifamily building with an elevated, enclosed pedestrian walkway. Additional residential uses would be introduced to the north and east of the repurposed office building in the form of approximately 125 attached, two-story, three-bedroom, townhouses (lower in height than the Site’s existing buildings). The remaining three-story, approximately 161,000-square-foot (sf) office building and three-story, approximately 101,400 sf, 316-space parking garage in the southern portion of the Project Site would be demolished. With the Preferred Alternative, the existing circa 1820’s farmhouse would not remain on the Project Site.

#### 5.1.a(1) Findings and Mitigation Measures

The Planning Board finds that the Preferred Alternative would be compatible with the existing land uses in the surrounding area and would not result in a significant adverse impact to the visual character of the area.

The Preferred Alternative would result in physical changes to the Project Site and the

introduction of residential uses consistent with the land use plans governing the area, including the 2018 Comprehensive Plan. Additionally, the new townhomes would be designed in a manner that is architecturally consistent with other residential townhouse development in the Town.

The Preferred Alternative would not introduce land uses that are inconsistent with the land uses surrounding the Project Site. The Preferred Alternative would activate an area of the Town that was historically a mix of office and single-family residential uses which, over the last 15 to 20 years, has seen limited interest from corporate office tenants and has been lacking a traditional neighborhood identity.

The Planning Board finds that the Applicant shall coordinate with the Town in good faith on whether the Town or community may undertake at their cost, the farmhouse's relocation off-site and, if those good-faith efforts are unsuccessful by the time of Preliminary Subdivision approval, may demolish the house as part of the Preferred Alternative.

The Preferred Alternative is compatible with the Westchester County Airport ("Airport") given that the Site is located outside of the airport's 65 Day-Night Average Sound Level (DNL) noise contour.

Based on the criteria in 14 CFR 77.9, the Preferred Alternative would not be required to notify the Federal Aviation Administration (FAA) of its construction.

Additionally, the reintroduction of residential uses to the Project Site would not represent a unique condition given the historic and existing land uses surrounding the airport which have included prior residential uses on a portion of the Project Site.

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.

#### 5.1.b. Zoning

To redevelop the Project Site as a residential community, the Applicant has requested that the Town Board map the Senior Housing Portion of the Project Site within the Town's Multifamily-Senior Citizen Housing (R-MF-SCH) Zoning District and the Townhouse Portion of the Project Site within the Town's Residential Multifamily (R-MF-A) Zoning District.

The multifamily units would be age-restricted to those 55 years of age and older, as required by the R-MF-SCH district and permitted by the U.S. Fair Housing Act.

The Applicant petitioned the Town Board for a zoning text amendment to the R-MF-SCH Residence District Regulations (Town Code §355-27), which would grant the Town Board discretion and not apply FAR in regulating the conversion of existing office space to senior multifamily residential use.

If the Project Site were mapped entirely R-MF-A or entirely R-MF-SCH, the Project Site would be compliant with the maximum density allowed by each district. However, given the unique shape of the Project Site and the location of the existing office building, the lot area of the Senior Housing Portion would be smaller than would allow conformance with the typically "greenfield" FAR envelope for R-MF-SCH zoning sites. Specifically, as mapped, the planned R-MF-A portion of the Site could theoretically accommodate 157 townhouse units, though the Applicant only proposes 125 units, and the R-MF-SCH portion of the Site would have an FAR of 0.70.

## Findings and Mitigation Measures

The Planning Board finds that the Proposed Project would be compatible with the adopted zoning approved by the Town Board. The Planning Board further finds that the adopted zoning, which includes both RMF-A and RMF-SCH on the Project Site, results in an appropriate balance of age-restricted and non-age restricted housing on the Site, as well as an appropriate balance of property tax revenue and demand for community services.

Regarding the Townhouse Portion of the Site, each individual fee simple townhouse lot is required to meet all applicable setback and other requirements for Attached dwellings in R-MF-A Residence Districts, per §355-21 of the Town's Zoning Code. The Preferred Alternative's Townhouse Portion complies with the density limits set out under §355-25(B)(1) of the Zoning Code. 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.

Both components of the Preferred Alternative (i.e., the age-restricted multifamily units, as well as the townhomes) conform to the design considerations required in multifamily residence districts pursuant to §355-24G of the Town's Zoning Code. Visual Privacy is preserved for residents through extensive landscaping throughout the Project Site, as well as the preservation of existing trees, vegetation, and physical features of the Project Site (§355-24G(1)). Audio privacy will be maintained through proper standards to limit sound transmission between adjoining dwelling units (§355-24G(2)). Appropriate scale will be preserved throughout the Project Site by limiting the height of the townhouses to two-stories and keeping the height of the proposed multifamily building (repurposed southern office building) the same as the existing condition (§355- 24G(3)). No unenclosed porch or deck encroaches into minimum require yards (§355- 24G(4)).

As noted by the Town's Engineer, the roadway geometry for the Preferred Alternative includes some aspects that do not conform with the Town of North Castle Roadway Standards. The Planning Board has reviewed the proposed roadway geometry and is prepared to issue waiver requests from the Town Roadway Standards. Fire apparatus access road turnarounds have been provided at dead end roadways and conform to the Fire Code of New York State.

The Planning Board finds that the site plan is consistent with the overall design, intent, and environmental impacts of the Preferred Alternative.

Separate and apart from the development of the Preferred Alternative and the Lead Agency's SEQRA review thereof, and subsequent to the adoption of the FEIS, the Applicant entered into a private agreement with two, third-party environmental advocacy groups regarding the eventual site plan and stormwater management practices for the Site. As set forth in the agreement, the Applicant has made certain modifications to the site plan. These modifications provide for no less than the overall unit count and maintain the overall configuration as shown in the Preferred Alternative plan in the FEIS. The plan identifies for preservation a greater amount of contiguous vegetated buffer adjacent to the NYCDEP property. In addition, as part of this plan, the Applicant will install enhanced stormwater management infrastructure that greatly reduces the phosphorous loading of stormwater exiting the Site as part of the SWPPP. Finally, upon obtaining all approvals and recording of the subdivision plat approved by the Planning Board, the Applicant has agreed to expand the irrevocable conservation easement on the Site with WLT. The Planning Board finds that the site plan is not likely to result in any significant adverse impacts not discussed in these Findings.

### 5.1.b. Public Policy

## Findings and Mitigation Measures

The Preferred Alternative is consistent with relevant public policies, including the Town of North Castle Comprehensive Plan, Westchester County Master Plans, NYS Climate Leadership and Community Protection Act, and Master Planning at Westchester County Airport.

### Town of North Castle Comprehensive Plan

The Town of North Castle updated and revised its 1996 Comprehensive Plan, adopting a new Comprehensive Plan, on April 25, 2018. The Project Site is specifically referenced in several places in the updated Comprehensive Plan with respect to both its locational importance and the need to expand its development potential to accommodate infill development including, but not limited to, residential uses. The Comprehensive Plan recognizes that the needs of its citizens change over time, such that the existing housing supply and cost will make it difficult for residents to age in place. The Comprehensive Plan recognizes that the Town Board took affirmative steps to address that issue by creating the floating R-MF-SCH Zoning District. It also specifically mentions the Project Site as an appropriate site for the introduction of residential uses, and goes on to recognize the potential for infill development to add needed housing for the Town's aging population, including at office parks such as the Project Site as an appropriate opportunity for the introduction of an infill mixed-use development.

### Westchester County Master Plans

Within the County's 1996 regional plan entitled "Patterns for Westchester: The Land and The People ("Patterns")," the King Street/Route 120 corridor in the vicinity of the Project Site is depicted within a "Medium Density Suburban" recommended land use category. "Patterns" is still an adopted plan of the Westchester County Planning Board. However, the "Assumptions and Policies" section has since been replaced by the context and policy document that emerged from the "Westchester 2025" planning efforts, known as "2025 Context for County and Municipal Planning and Policies to Guide County Planning." This policy document was adopted by the Westchester County Planning Board on May 6, 2008 (amended January 5, 2010) and recommends fifteen policies to county municipalities as guidance for their own decision-making. Of these policies, seven of them have applicability to the Preferred Alternative, and would be supported by development of the Preferred Alternative: (1) Enhance transportation corridors; (2) Nurture economic climate; (3) Track and respond to trends; (4) Preserve natural resources; (5) Support development and preservation of permanently affordable housing; (6) Provide recreational opportunities to serve residents; and (7) Promote sustainable technology.

### Westchester County Planning Board

By comment letter dated September 28, 2021, the Westchester County Planning Board ("WCPB") provided written comments on the DEIS and feedback on the DEIS Project. The WCPB comments received on the DEIS Project centered on several themes including: (1) concerns about new construction of a 5-story, 149-unit multifamily building within a lower density area of the Town; (2) concerns about pedestrian connections between the

DEIS Project's new buildings and King Street; (3) Concerns that airport-related noise could be an issue for future residents; and (4) suggestions that new development should consider including green building technologies and parking spaces equipped with charging stations for electric vehicles. The WCPB further recommended against residential uses on the Project Site, including the high-density residential apartment building in the original proposal. By comment letter dated March 31, 2023, the WCPB provided written comments on a preliminary draft of the FEIS and feedback on the Preferred Alternative. WCPB reiterated their prior comments about developing residential uses on the Project Site given the proximity to the Airport and about pedestrian connections within the project, as well as opined that the senior multifamily residential building may have more parking than necessary.

The Preferred Alternative (and its reduced scope of development compared to the DEIS Project) partially responds to the September 28, 2021 comments provided by the WCPB, including addressing why the Project Site is suitable for residential development. The Preferred Alternative is a significantly less-intense development of the Project Site than the DEIS Project in terms of the density, intensity, and mix of uses. Rather than constructing a new, 5-story multifamily building, the Preferred Alternative will repurpose an existing office building as a 50-unit, age-restricted (55+) multifamily housing building. Regarding pedestrian connectivity within the Preferred Alternative, the proposed internal circulation drives would be a minimum of 24 feet wide and designed to safely accommodate pedestrians and bicyclists. The Preferred Alternative would include the development of on-site walking paths to facilitate the safe movement of residents within the neighborhood. Details of crosswalks, sidewalks, walking paths, and traffic calming measures within the development would be finalized during the site plan review process. In terms of the Preferred Alternative's compatibility with the Westchester County Airport and the appropriateness of the Project Site for residential use, the site is located well outside the airport's 65 Day-Night Average Sound Level (DNL) noise contour, the federal threshold for significant noise. To ensure that 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 Airport. And, among other design considerations, the Preferred Alternative would, where practicable, incorporate green building technologies such as energy efficient appliances, LED lighting, and, charging options for electric vehicles (currently planned in the parking area for the senior housing building), in accordance with the suggestion of the WCPB.

However, given the location of the project site in proximity to the Airport and given the Westchester County noise concerns, the Planning Board finds that the building plans for 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, which the Planning Board finds is appropriate for residential use. 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.

#### New York State Climate Leadership and Community Protection Act (2019)

In July 2019, New York State passed the Climate Leadership and Community Protection Act ("Climate Act"). The design of the Preferred Alternative aligns with the strategies of the Climate Act, which was not in place at the time the Currently Approved Development Plan was proposed. The Preferred Alternative will include green technologies, where practicable, including energy efficient appliances, and charging stations for electric vehicles (currently planned in the parking area for the senior housing building). The reduced scale of development envisioned by the Preferred Alternative, as compared to the

DEIS Project, will result in reduced vehicle miles traveled and energy consumption (during both construction and operation), and greener development, including through the reduced peak rates and peak volumes of stormwater runoff as compared to existing conditions.

#### Master Planning at the Westchester County Airport

The last full master plan for the Westchester County Airport was completed in 1987. A Master Plan Update was completed in 2017<sup>1</sup>, and as of 2022, Westchester County is undertaking the development of another update. The current update does not anticipate physical expansion of the airport or an increase in the volume of flights. While the contribution of aircraft overflights to the noise levels varies day-to-day due to flight conditions, based on a review of noise monitoring results and published noise impact data on the airport, noise levels at the Project Site would be appropriate for residential use. Additionally, construction methods used to build the Preferred Alternative shall provide at least 20 dBA of window/wall attenuation to further reduce interior noise levels to a level at or below 45 dBA, which the Planning Board finds is appropriate for residential use. 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.

#### Affordable Housing

The Proposed Action will comply with the Town's Affordable Affirmatively Furthering Fair Housing (AFFH) requirements as set forth in § 355-24(I) of the Town Code, which requires that a minimum of 10% of the dwelling units meet AFFH affordability requirements.

In total, 175 units are proposed, 159 of those being market rate units, which require that 16 units meet AFFH requirements.

The affordable AFFH units shall not be distinguishable from other market rate units from the outside or building exteriors. Interior finishes and furnishings may be reduced in quality and cost to assist in the lowering of the cost of development of the affordable AFFH units.

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<sup>1</sup> <https://airport.westchestergov.com/general-information/news-and-public-notice>

No preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for affordable AFFH units. All affordable AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.

A declaration of restrictive covenants or other legal instrument found acceptable to the Town shall be established to ensure that the affordable AFFH unit shall remain subject to affordable regulations for a 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.

The Planning Board finds that the Proposed Action is consistent with the goals of the Town of North Castle Comprehensive Plan as well as the other land use plans governing the area. The Proposed Action will allow for the development of the Site in a manner that appropriately integrates with the diverse surrounding land uses.

## **5.2 GEOLOGY AND SOILS**

### 5.2.a. Geology

The majority of surface rock outcrop features identified on the Project Site are outside of the Preferred Alternative's limits of disturbance and would not be impacted by construction of the Preferred Alternative. Construction of some townhouses in the northwesternmost portion of the Project Site would have the potential to impact existing rock outcroppings, and as such, construction of the Preferred Alternative may require limited rock removal by blasting or hammering activities, which may have isolated areas extending up to 8 to 16 feet into bedrock. There is no other potential rock removal or rock crushing anticipated as part of construction.

#### 5.2.a.(i) Findings and Mitigation Measures

Should blasting be performed during the construction of the Preferred Alternative, it would be done in accordance with the Town's Blasting Protocol (Town Code Chapter 122, "Blasting and Explosives"). A site-specific blasting protocol will be created as a condition of Site Plan approval.

The Planning Board finds that impacts to the Site's geologic resources are minimized to the maximum extent practicable. No significant adverse impacts to the Site's geology will result from the Proposed Action.

## 5.2.b. Soils

With the Preferred Alternative, approximately 72.0 percent (28.0 acres or 1,209,478 sf) of the Project Site would be affected by site development activities, building construction and infrastructure installation. Total site disturbance for the Preferred Alternative is approximately 10.5 acres more than were estimated to be disturbed by the DEIS Project, including the approximately 3 acres of disturbance required to demolish the existing 316-space parking structure and the 161,000-sf existing northern office building.

The Preferred Alternative would result in a net cut of approximately 12,306 cubic yards of material, based on a total cut volume of 109,853 cubic yards, and a total fill volume of 99,598 cubic yards, assuming a 10 percent compaction factor (for fill volume) and a 20 percent expansion factor for cut to be exported. Approximately 90.7 percent of the material to be excavated would be re-used on the Project Site as fill, and the balance of the excavated material would be exported. The total amount of excavated material to be exported under the Preferred Alternative (12,306 cubic yards) would be less than under the DEIS Project (13,324 cubic yards), and therefore fewer truck trips would be required to export the material off site.

A temporary on-site rock crushing process is proposed to be established during construction. The need for, location, and schedule of operation of potential rock crushing activities shall be documented as a condition of site plan approval.

### 5.2.b.(i) Findings and Mitigation

The Project Site's geology and soils are suitable for development of the Preferred Alternative, and as such, the Preferred Alternative is not anticipated to have a significant adverse impact on geology or soils with the implementation of the measures described below.

Although there would be an increase in the area of disturbance from the Preferred Alternative, as compared to the DEIS Project, the density and intensity of development associated with the Preferred Alternative would be lower than the DEIS Project and the Currently Approved Plan, which the Planning Board finds is appropriate for the Site. The Preferred Alternative includes a Stormwater Pollution Prevention Program (SWPPP) and an Erosion and Sediment Control Plan (ESCP) to avoid and/or mitigate impacts associated with the disturbance of on-Site soils during construction. The layout and configuration of the Preferred Alternative has been designed to take advantage of the Project Site's topography and contours, thereby minimizing the potential for erosion hazards. As part of the ESCP, measures the Applicant will maintain throughout construction include:

- All exposed graded areas would be moistened with water in those areas where soil is exposed, as necessary for dust control purposes.
- Inspection of erosion and sediment control measures shall be performed at the end of each construction day and immediately following each rainfall event.

- Sediment deposits shall be removed when they reach approximately one-third the height of the silt fence.
- Exposed areas parallel to the slope would be raked during earthwork operations.
- Application of soil stabilization measures in areas where soil disturbance activity has ceases.
- Following final grading, the disturbed area would be stabilized with a permanent surface treatment (i.e., turf grass, pavement, or sidewalk). Exposed soil areas that will not receive a permanent surface treatment will be seeded.

The ESCP would also include maintenance requirements, contingency and emergency measures, notification procedures in the event of failure of sediment and erosion control measures, and timing of removal.

Any rock crushing activities would only occur during permitted hours of construction as described in the site plan conditions of approval. The Applicant will be required to utilize Best Management Practices for rock crushing operations, if implemented, including wet suppression to avoid and minimize impacts associated with airborne dust to the maximum extent practicable. Crushing activities shall be located at least 200 feet from any property line. To further mitigate adverse impacts, rock and other material stockpiles will be covered with tarps and properly maintained in a wet condition. If blasting is determined to be necessary during the construction of the Preferred Alternative, it would be performed in accordance with the Town of North Castle’s regulations and protocols on blasting and explosives (Town Code Chapter 122, “Blasting and Explosives”) and would be subject to a site-specific blasting protocol.

These mitigation measures, an ESCP, rock crushing protocol, and blasting protocol, would be detailed in a Construction Management Plan (CMP) that is required to be prepared as a condition of site plan approval.

It is the Planning Board’s finding that, with the mitigation measures described above, no significant adverse impacts related to geology and soils are anticipated.

### **5.3 TOPOGRAPHY & SLOPES**

The Town of North Castle regulates steep slopes. Pursuant to the definition of steep slopes in Chapter 355 of the Town Code, the total area of the Project Site considered steep slopes is approximately 17,638 sf (1.04 percent of the Site). The majority of the Preferred Alternative’s limits of disturbance, 91 percent, fall within the 0–15 percent slope category. Six percent will be on slopes in the 15-25 percent category, and three percent will be on slopes greater than 25 percent.

The Applicant’s engineer has calculated that based on the topography of the Project Site, and in order to create generally level development pads for the townhouses, the Preferred Alternative would result in a net cut of approximately 12,306 cubic yards of material (approximately 90.7 percent of the material to be excavated would be reused on the Project Site as fill).

Approximately 2,007 sf (0.16 percent) of the Preferred Alternative’s overall limits of disturbance meet the Town Code’s definition of steep slopes. These Town-regulated slopes within of the Preferred Alternative’s limits of disturbance are found along the King Street frontage of the Project Site and were created as the result of constructing the existing berm that screens the Project Site’s existing improvements.

5.3.a. Findings and Mitigation Measures

Section 355-18 of the Town Code requires that disturbance to steep slopes in connection with a site plan be approved by the Planning Board. The Planning Board finds that the disturbance, in the context of the entire project, is relatively minor in nature and that additional plantings are proposed to be installed in those areas to mitigate the disturbance and to enhance the screening of those areas.

The Applicant shall implement an Erosion and Sediment Control Plan, and a SWPPP, to avoid and/or mitigate impacts associated with the disturbance of the Project Site’s topography and on-Site soils during both construction and operation. These plans shall be reviewed and approved during the subdivision and site plan reviews.

The 1,231 cubic yards of material to be exported, utilizing haul trucks with a 16 cubic yard capacity, would result in approximately 77 truck trips to remove this excess material, which will be exported in accordance with all applicable regulations to a suitable location(s).

As all excavated materials will be processed on-site, whether reused as fill or exported off-site, the impacts will be identical. Processing excavated material consists of crushing and screening to produce processed aggregate.

It is the Planning Board’s finding that, with the mitigation measures described above, adverse impacts to topography and slopes would be mitigated to the maximum extent practicable.

**5.4 VEGETATION AND WILDLIFE**

5.4.a. Vegetation

Construction of the Preferred Alternative will require the disturbance of approximately 14.94 acres (69.6 percent) of mixed upland forest/field cover type on the Project Site. The majority of the disturbed forest/field cover type is located in the northern portion of the Project Site where previous disturbance has already occurred. There will be no impacts or loss to the wet meadow (aka wetland) habitat found on the Project Site.

There are approximately 1,091 existing trees regulated by the Town with a diameter at breast height (DBH) of 8 inches or greater within the area of the site for which a tree survey was conducted. Of the 1,091 surveyed trees, the Applicant proposes to remove approximately 744 in connection with construction of the Preferred Alternative (approximately 376 more trees than the DEIS Project). Approximately 898 new trees (deciduous and evergreen) would be planted on the Project Site (compared to 451 proposed for the DEIS Project) according to the Applicant’s preliminary landscaping

plan. There are no unique trees on the Project Site that are regulated by the Town of North Castle.

#### 5.4.a.(i) Findings and Mitigation Measures

During construction of the Preferred Alternative, there would be a temporary loss of habitat for species that use mixed upland forest/field as the dominant habitat. More heavily forested areas of the Project Site, including those areas along the western perimeter of the Project Site and most of the Conservation Easement areas, will be preserved, providing protection for forest interior species. Therefore, the Planning Board finds that the Preferred Alternative would not result in a significant adverse impact to vegetation.

The majority of the existing trees on the King Street side of the existing landscaped berm will remain. Additional new trees will be planted on the back side of the berm following construction. The existing trees found along the northern and northwestern boundaries of the Project Site would remain intact. The Planning Board finds that the removal of approximately 744 regulated trees would be appropriately mitigated by the planting of approximately 898 new trees. Mature trees within the Limits of disturbance shall be preserved to the maximum extent practicable. The Planning Board notes that the new plantings shall be used to screen the Project from King Street, as well as provide appropriate privacy interior to the Site and promote ecological health within and adjacent to the wooded areas to remain.

#### 5.4.b. Wildlife and Habitat

Nearly the entire Project Site has been previously developed for commercial or residential use. The southern portion of the site contains the corporate office complex that consists of buildings, parking lots, a parking structure, and a man-made storm water pond that are surrounded by lawn and landscaped areas. The northern portion of the site, which consisted of a residential subdivision that is now removed, consists of young forest and field area that is routinely mowed. Wildlife expected to occur within the habitats on the property include species typical to suburban settings that are relatively tolerant of humans.

The NYSDEC noted that an active bald eagle nest is located approximately ½-mile from the Project Site. No threatened or endangered species were observed within the Project Site during reconnaissance visits by the Applicant's ecologist.

#### 5.4.b.(i) Findings and Mitigation Measures

Direct impacts to wildlife biodiversity from the Preferred Alternative will primarily be limited to displacement and some direct loss, especially to species that spend a large percentage of their life cycle underground. The northern portion of the Project Site contains open canopy mixed forest/field areas resulting from previous disturbance, which would be cleared to facilitate the Preferred Alternative. The densely forested areas

within the Project Site's conservation easement would be preserved, leaving protection for forest interior species. The clearing of the mixed forest/field habitat on the Project Site is not anticipated to alter site biodiversity, or result in additional habitat fragmentation, since the forest area is already fragmented from previous site disturbance.

The Preferred Alternative will not significantly affect large mammal or migratory bird species movements since these species are highly mobile and not typically confined to small corridors. The regulated wetland on the Project Site will be left intact and is considered the most likely migratory corridors for wildlife species on the site. The prime migratory corridors and wildlife destinations for breeding found in the regulated wetland will remain.

While the active bald eagle nest is approximately ½-mile from the Project Site, it is more than ½-mile from the locations at which blasting may occur as part of the Preferred Alternative. As per the Northeast Bald Eagle Project Screening Form, the Applicant meets the requested guidelines since the areas of potential blasting are more than 0.5 miles from the known bald eagle nest and, therefore, no mitigation is required.

To further minimize the potential for adverse impacts to wildlife, the Preferred Alternative includes the following measures:

- Establishing undisturbed, naturally vegetated zones demarcated in the field by orange construction fencing and by clearing only necessary areas within the limit of disturbance area or within building envelopes. All trees within the area of disturbance in excess of 8" dbh that are to remain shall be protected through the installation of orange construction fencing at the dripline of the tree. Areas within the fencing will be mulched with 4" – 6" of coarse wood chips, watered during extended periods of no rain and supplemented with a top dressing of compost and/or an application of bio-stimulant.
- Retaining and revegetating areas within the development with native plant species. To compensate for the loss of vegetation, a Landscaping Plan has been proposed. The plan shall include extensive new plantings, residential streetscape, woodland edge and meadow. The plant materials selected for the Landscaping Plan should consist primarily of native species that are consistent with the existing on-site ecological communities.
- Prior to removal of trees, a permit from the Town's Building Inspector would be obtained in accordance with Chapter 308 of the Town Code;
- Minimize fertilizer, pesticide, herbicide, fungicide and other chemical concentrations through avoidance and containment, respectively; and

- The plat map shall be revised to depict clearing/grading limit lines and accurately demarcated in the field prior to any tree clearing or site disturbance of any kind.

With the implementation of these mitigation measures, the Planning Board finds that the Preferred Alternative would not have an adverse impact on rare, threatened, or endangered species, or species of special concern, nor would it have an adverse impact on significant natural communities.

## **5.5 WETLANDS:**

The Project Site contains 0.25 acres of delineated wetland area that is located at the western corner of the Project Site, abutting the east/west-oriented site boundary to the south of the former Weber Place. The wetland on the Project Site described above is regulated by the U.S. Army Corps of Engineers (USACE) and the Town of North Castle via Chapter 137 of the Town Code. The Preferred Alternative would have no direct impacts to the on-site delineated wetland.

The Preferred Alternative would necessitate some limited grading within the Town-regulated 100-foot wetland buffer, which will impact approximately 0.18 acres (7,696 sf) of the 100-foot Town regulated buffer, a slightly smaller disturbance to the buffer when compared to the DEIS Project (0.19 acres). Disturbance within the 100-foot buffer area described above would generally occur in previously disturbed areas. The Preferred Alternative does not propose any new impervious areas within the 100-foot wetland buffer following grading and construction activities.

The integrated pest management plan (IPM) currently in place for the Project Site's existing office uses shall remain after construction of the Preferred Alternative. Fertilizer, pesticides, and other lawn care or landscaping products must be handled, stored, and applied in strict conformance with the manufacturer's guidelines, and only reputable professionals, licensed and certified by the NYSDEC for the storage and application of these chemicals will be used for landscaping services.

The northern portion of the Project Site drains to the delineated on-site wetland, where drainage enters a swale in the wetland and discharges west of the Project Site toward the Kensico Reservoir (Weber's Cove). Off-site drainage swales also appear to collect overland runoff from precipitation that falls on the Project Site, which also drains to Weber's Cove.

No alteration to this existing drainage pattern is proposed under the Preferred Alternative.

Drainage introduced by new impervious surfaces on the Project Site will be handled through permanent on-site stormwater practices in accordance with the SWPPP. The wetland area is not anticipated to be impacted by the construction of the stormwater practices or their function throughout the life of the project.

#### 5.5.a. Findings and Mitigation Measures

The Preferred Alternative's impact on the on-site wetland buffer area identified above will require a permit from the Planning Board. The Conservation Board has recommended approval of the requested wetlands permit.

The Town-approved SWPPP will mitigate potential erosion into the regulated area.

The addition of native plantings between developed areas and the wetland will increase the functional capacity of the buffer and better protect the wetland over current conditions.

The Applicant shall prohibit 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 would be applied within 100 feet of any existing or proposed stormwater management pond or basin which permanently or periodically retains/detains stormwater.

With the implementation of these mitigation measures, the Planning Board finds that adverse impacts to wetlands would be mitigated to the maximum extent practicable.

### **5.6 STORMWATER MANAGEMENT**

The Project Site received two separate but related SWPPP and site plan approvals from the Town since 2005, both of which remain in full effect. The first approval was granted for the Project Site's currently approved development plan (MBIA office expansion). Subsequent site plan and SWPPP approvals were granted by the Town for the expansion of the existing 43-space parking area located adjacent to the farmhouse in the southern portion of the Project Site. The currently approved site plans and SWPPPs allow for 10.51 acres of impervious surface on the Project Site. The Preferred Alternative would result in 13.42 acres of impervious surface on the Project Site. As such, the Preferred Alternative would result in an increase in impervious surface when compared to the currently approved site plans.

The Applicant has developed a Stormwater Pollution Prevention Plan for the Preferred Alternative ("2023 SWPPP"). Stormwater practices proposed will reduce peak discharge rates at design points between 6 percent and 72 percent at varying discharge locations and storm frequencies. The 2023 SWPPP has been designed to ensure that the quantity and quality of stormwater runoff during and after development are not substantially altered from pre-development conditions. Eight stormwater management practices are proposed: two infiltration basins, one subsurface infiltration system, three bioretention areas and two detention areas. The existing wet pond will continue to be utilized for stormwater management.

#### 5.6.a. Findings and Mitigation Measures

With the implementation of the 2023 SWPPP, as modified during the subdivision and site plan reviews, there will be no significant adverse impact on downstream properties and watercourses, including the adjacent New York City watershed lands, the Kensico Reservoir, and its floodplain and related wetlands.

To avoid an adverse impact from soil erosion during construction of the Preferred Alternative, the Applicant's Engineer has designed mitigation measures that would conform to the requirements of NYSDEC State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges Associated with Construction Activity Permit No. GP-0-20-001, the "New York State Standards and Specifications for Erosion and Sediment Control," dated November 2016, and Chapter 267, "Stormwater Management," of the Town Code. The Preferred Alternative would also require a Water Withdrawal Permit from NYSDEC.

Planting plans for each of the vegetated stormwater treatment systems including species, size and quantities of each planting material have been developed by the Applicant. Additionally, construction details and cross-sections of the various practices, to support the provided sizing calculations and demonstrate compliance with the design guidelines and specifications will be made a condition of approval. The Planning Board notes that some stormwater basins have steep slopes above the basin, within close proximity to residential buildings. As a condition of approval, the Applicant will design safety protection above steep slopes adjacent to stormwater basins.

The Integrated Pest Management (IPM) plan currently in place for the Project Site's existing office uses shall remain in place with the Preferred Alternative. Through the SWPPP, any increases in pollutant concentrations resulting from the use of fertilizers, pesticides, herbicides, fungicides, and other chemicals are not considered significant and would be appropriately handled on-site. Furthermore, 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 shall be prohibited. 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.

Since the Preferred Alternative is within the New York City East of Hudson Watershed, NYCDEP approval of the SWPPP will be required, and as such, erosion and sediment control inspections will be required twice per week when disturbances exceed one acre. Such requirements will also be required for the five-acre disturbance waiver which will be reviewed, in conjunction with the SWPPP, as a condition of approval. This will further ensure that potential erosion and sediment control issues are identified and addressed in a timely manner.

A construction bond shall be posted by the Applicant to cover the cost of all stormwater infrastructure improvements including but not limited to drainage structures, water

quality structures, piping, and stormwater management areas. The Applicant will be party to a maintenance agreement, which will cover post construction stormwater management practices in perpetuity.

Implementation of the above measures would provide water quantity and quality enhancements that exceed the regulatory requirements, and therefore stormwater runoff from the Preferred Alternative is not anticipated to have a significant adverse impact to the Project Site or downstream areas.

With the implementation of these mitigation measures, the Planning Board finds that adverse impacts to stormwater management would be mitigated to the maximum extent practicable.

## **5.7 UTILITIES**

The Preferred Alternative is anticipated to generate approximately 53,810 gallons per day (gpd) of water demand (including potable water and sanitary wastewater), approximately 27,710 gpd more than what would be generated by the full occupancy of the Project Site's existing office buildings (26,100 gpd), and approximately 4,790 gpd less than the 58,600 gpd that was calculated for the DEIS Project. The water demand of the Preferred Alternative would be approximately 17,090 gpd less than the Currently Approved Plan's water demand of 70,900 gpd. Water for on-Site irrigation would continue to be sourced from the existing on-site pond and, if permitted by the County, from one or more of the existing on-site wells. It is conservatively estimated that 65,000 gpd would be used to irrigate the existing and proposed lawn and landscaped areas.

### **5.7.a Findings and Mitigation Measures**

As required by the adopted zoning, the Preferred Alternative shall be served by a public (i.e., municipally owned) water system. The Applicant has petitioned the Town of North Castle to include the Project Site within the North Castle Water District #8. As a component of the Preferred Alternative, the Applicant shall be responsible to coordinate with Water District #8 and Westchester Joint Water Works and construct the extension of the municipal water system from its currently proposed northern terminus of New King Street to the Project Site.

In order to meet the pressure and storage demands for the Preferred Alternative, a new booster pump and water storage tank are required. The Applicant currently plans on meeting this need through the construction of an on-site water tank, sized to provide both domestic and fire supply, as required by the Fire Code for the Preferred Alternative's supply requirements, as well as a water booster pump station to meet pressure and flow requirements. That infrastructure is proposed to be located behind the proposed parking structure for the multifamily residential building. The improvements necessary to meet the water supply needs of the Preferred Alternative shall be the responsibility of the Applicant.

The extension of the municipal water system will also provide water supply to Water District #4 adjacent thereto. Service to Water District #4 will require the construction of a water storage tank and water booster pump station in the vicinity of the project site. Should the timing of the Water District #4 improvements coincide with the proposed project, a combined water storage and booster pump facility may be explored. With these improvements, the Planning Board finds that the Preferred Alternative would not have an adverse impact on water supply.

The Preferred Alternative would connect to the existing 8-inch public sewer main on the Project Site, which drains to the southwest. Any modifications to either the Town or County system required to serve the anticipated demand of the Preferred Alternative will be made by the Applicant.

The Planning Board notes that the public sewer system's existing Pump Stations 2 and 3 may require modifications to be consistent with current Westchester County Department of Health (WCDH) Standards. If required by the Health Department as a condition of its approval, these improvements shall be the responsibility of the Applicant.

The Planning Board finds that the Preferred Alternative would not have a significant adverse impact on the sanitary sewer system when the mitigation measures provided above are implemented.

## 5.8 **TRAFFIC & TRANSPORTATION**

The Preferred Alternative would generate a total of 82 trips (20 entering trips and 62 exiting trips) during the Weekday Peak AM Hour, a total of 46 trips (23 entering trips and 23 exiting trips) during the Weekday Peak Midday Hour, and a total of 99 trips (62 entering trips and 37 exiting trips) during the Weekday Peak PM Hour. In order to be conservative, no credit (reduction in peak hour trips) was taken to account for the age-restricted multifamily housing proposed. Trip generation estimates were based on the Institute of Transportation Engineers (ITE) land use code 220 (multifamily housing).

The Preferred Alternative would generate significantly fewer vehicular trips than both the No Action Condition (which as defined in the approved DEIS Scoping Document assumes the re-occupancy of the two existing office buildings) and the DEIS Project. When compared to the re-occupancy of the two existing office buildings, the Preferred Alternative would result in 221 fewer total trips during the Weekday Peak AM Hour, 106 fewer total trips during the Weekday Peak Midday Hour, and 201 fewer total trips during the Weekday Peak PM Hour. When compared to the DEIS Project, the Preferred Alternative would result in 171 fewer total trips during the Weekday Peak AM Hour, 90 fewer total trips during the Weekday Peak Midday Hour, and 186 fewer total trips during the Weekday Peak PM Hour.

Based on the capacity analyses performed on 15 intersections identified in the approved DEIS Scoping Document, the Preferred Alternative would result in similar levels of service and delays when compared with the No Action Condition. In addition, the Preferred

Alternative would result in improved Levels of Service and fewer delays than the DEIS Project.

#### 5.8.a. Findings and Mitigation

The Planning Board finds that the Preferred Alternative would not have a significant adverse impact on area roadways as similar Levels of Service and Delays would be experienced in the future without the proposed project (i.e., the No Action condition).

In order to eliminate the potential for Project-generated vehicles to turn from Cooney Hill Road and onto King Street, which is an intersection with significant sight distance challenges, the Planning Board finds that it is appropriate to limit the Project Site's Cooney Hill driveway to entering traffic only. All vehicles exiting the Project Site shall be required to use the main site driveway at the signalized intersection with King Street.

The Applicant shall submit the Traffic Impact Study to the New York State Department of Transportation (NYSDOT) for review and comment as a condition of the approval. As noted in the study, signal timing modifications at certain intersections, while not required to mitigate project-related impacts, may improve future traffic operating conditions. The decision as to whether to implement these improvements, or whether other mitigation is required to the study area intersections, shall be determined by NYSDOT.

The Planning Board is aware of the concern regarding traffic, parking and congestion in the Armonk Hamlet, and that the recently adopted Armonk Parking Study calls for expanding the supply of public parking in the Hamlet. The Town is currently working to expand the amount of public parking available in the Armonk Hamlet by constructing new off-street parking spaces on the Verizon parcel.

### 5.9 **VISUAL RESOURCES AND COMMUNITY CHARACTER**

The Preferred Alternative would include:

- The construction of approximately 125, 2-story townhouses, with an approximate height of 29.0 feet above average grade;
- Removal of the Site's existing 29-foot tall, two-story, approximately 316-space parking garage and the 37.5-foot tall, three-story, approximately 161,000 square foot northern office building;
- Repurposing the Site's southern office building as approximately 50 dwelling units in a multifamily building, the occupancy of which would be age-restricted to those 55 years of age and older, as required by the Town's R-MF-SCH Zoning District, and permitted by the U.S. Fair Housing Act;
- Construction of a new, 2-story, approximately 60-space parking structure north of the multifamily building;
- Construction of site amenities, including a clubhouse, pool, and mulched walking trails; and,

- Construction of internal driveways, stormwater management features, and a Site-wide landscaping program

The townhouses have been sited to take advantage of the Project Site's topography. The proposed building placement also allows for the preservation of existing visual screenings and buffers along the perimeter of the Project Site, which include existing landscaped berms, stone walls, and evergreen trees to remain undisturbed and, in certain locations, enhanced.

Similar to the existing condition and the DEIS Project, the Preferred Alternative would incorporate Site lighting along proposed driveways, parking areas, and certain walking paths. In addition to the Project Site's existing lighting program supporting the existing building to remain, the lighting plan for the Preferred Alternative consists of two additional lighting zones, one in the area of the proposed parking garage and associated surface parking for the multifamily senior housing building, and another for the townhouses. In these new lighting zones, the average lighting level at the ground surface would be approximately 0.55-foot candles (fc). New fixtures would utilize cut-off luminaires, be Dark-Sky compliant, and the distribution patterns would prevent light spillover onto adjacent properties.

#### 5.9.a. Findings and Mitigation Measures

The Planning Board finds that the scale of the new construction is appropriate for the Project Site and its surrounding area, including the scenic views from King Street, as well as reflective of other residential developments within the Town. In addition, the Planning Board that the visual impacts have been reduced to the maximum extent practicable utilizing site design techniques and landscaping. The new buildings are well-designed and contextually appropriate and will not significantly block, interrupt or interfere with any scenic views. The Planning Board finds that no significant adverse visual or community character impacts will result from the Proposed Action.

A significant amount of open space and landscaped perimeter berms would remain undisturbed (and in certain locations, enhanced), consistent with the King Street frontages of neighboring properties. The Planning Board finds that visual impacts are mitigated to the maximum extent practicable.

The Preferred Alternative would result in less visual impact than both the DEIS Project, which included a five-story multifamily building with a height of approximately 78 feet above average grade, and the Currently Approved Development Plan, which included a five-story, 1,000-space parking garage in excess of 300,000 sf. The appearance of the new townhouses proposed would be consistent with other recent townhouse developments in North Castle and would be constructed within the height limits established by the Town's zoning. The Preferred Alternative would also return the Site to active use, consistent with the goals of the Town's 2018 Comprehensive Plan, while repurposing an existing office building already sited at a considerable distance from King Street.

The lighting design's compliance with Section 355-45(M) of the Town Code will be made a condition of approval. In order to minimize adverse impacts to the maximum extent practicable, new fixtures shall utilize cut-off luminaires, be Dark-Sky compliant, and the distribution patterns shall prevent light spillover onto adjacent properties. The final lighting design shall adhere to the best current practice in specifying light sources, spectra, glare reduction, and cut-off fixtures in order to reduce the effect of lighting on Site occupants and neighbors while meeting safety, security, and energy efficiency requirements.

## 5.10 **COMMUNITY FACILITIES & SERVICES**

### 5.10.a. Public Schools

The Project Site is located within the Byram Hills Central School District ("BHCS D" or "District"). The number of school age children ("SAC") that are expected to live in the Preferred Alternative and attend the District is approximately 51. This was derived using a "multiplier" approach, which estimates the number of SAC per housing unit based on US Census data and is specific to housing type, size, and value. The most recently updated, and widely utilized, multiplier study was prepared by Rutgers University's Center for Urban Policy Research ("CUPR") in 2018. CUPR concluded that newly constructed townhomes with three bedrooms that had sale prices above the median for that product type, had an average of 0.403 SAC per unit. Spread out over 12 grades, the 51 SAC equates to 4.25 students per grade. This analysis calculated the potential number of all school age children (as compared to only public school age children), a more conservative estimate.

To augment the use of the multiplier approach, enrollment data for three townhouse developments in BHCS D was obtained. Using that enrollment data, a multiplier of 0.515 was developed, based on the ratio of public school aged children ("PSAC") to townhouse units in those developments. Applying that multiplier to the Preferred Alternative, 65 PSAC could be anticipated to live within the Proposed Project.

Based on the total BHCS D 2022–2023 budget of \$96,939,314, and the 2022–2023 projected school year enrollment of 2,333 students, the per pupil programmatic cost (net of state aid and other revenues) is \$27,500. Applying that per pupil programmatic cost to the new students projected (51 from the Rutgers multiplier method, and 65 from the Case Study method) results in a potential annual additional cost to the District of \$1,402,500 (Rutgers method) to \$1,787,500 (Case Study method).

#### 5.10.a.(i) Findings and Mitigation Measures

The Planning Board finds that the Preferred Alternative would not have a significant adverse impact on the BHCS D and no further mitigation is required. The potential annual costs to the district of between approximately \$1,402,500 to \$1,787,500 is anticipated to be covered by the estimated \$2.25 million in tax revenue that the District would receive annually from the Preferred Alternative. This conclusion is also supported by the school district, which noted in correspondence to the Town Board that, “the estimated taxes of approximately two million dollars annually toward school taxes should cover variable costs.”

The Planning Board also finds that the Preferred Alternative would not adversely affect the capacity of BHCS D school facilities. Enrollment in the school district declined from a peak of 2,818 students in the 2007–2008 school year to 2,333 students in the 2022–2023 school year, indicating physical capacity within the District to serve additional students from the Preferred Alternative.

#### 5.10.b. Police, Fire, and EMS

The Proposed Action will result in a proportional increase in the demands on community facilities and services.

The Project Site is served by the Armonk/Banksville EMS, the Town of North Castle Police Department (NCPD), and the North Castle Fire District No. 2, otherwise known as the Armonk Fire Department (AFD).

The NCPD currently operates at an efficient level with the Town’s existing residential and commercial populations. The Preferred Alternative’s proposed 50 multifamily units and 125 townhouses would have a population of approximately 389 residents, which is equal to approximately 3 percent of the Town’s 2020 population of 12,408. The anticipated residential population of the Preferred Alternative (389 residents) is comparable to that of the DEIS Project’s residential population (375 residents), but significantly less than the DEIS Project’s overall population, which included guests at the hotel as well as employees at an approximately 100,000 sf office building. The volume of calls from the Preferred Alternative would not be significantly higher than the volume of calls if the Project Site were to be fully re-occupied with office uses.

The AFD responds to approximately 1,100 medical and fire calls annually throughout Armonk, Banksville, and surrounding communities. The AFD provided a detailed estimate of the number of annual fire and EMS calls that the AFD believed it would

expect from each component of the DEIS Project, based on then-current and similar developments and call volumes over the preceding two years. For the DEIS Project, the AFD anticipated 6 fire calls and 3 EMS calls for 22 townhouses, and 32 fire calls and 14 EMS calls for the 149-unit multifamily building. Those same ratios were applied to the Preferred Alternative's programming. Based on that, the Preferred Alternative could result in 28 net new calls annually, representing a 2.5 percent increase over the existing condition and nearly a 50 percent decrease in net new annual calls when compared to the DEIS Project.

The Armonk Fire Department in a July 25, 2023 correspondence to the Town Board noted that the data provided in the DEIS and FEIS may not be accurate in that the data did not factor additional calls associated with the age-restricted portion of the project. In addition, AFD noted that the Fire Department may need to purchase a ladder truck or rely on mutual aid for that equipment. Furthermore, AFD noted that the cumulative impacts associated with the various multifamily developments within the Fire District may negatively impact the ability for the Department to continue as a fully volunteer body.

#### 5.10.b.(i) Findings Mitigation Measures

The Planning Board finds that the Preferred Alternative would not have a significant adverse impact on the provision of emergency services. The Preferred Alternative will have less of an impact on the Town's police, fire and EMS services than would the DEIS Project, and it will introduce housing at a similar scale to its presence in other areas of the Town, and on a site that had been previously developed with residential uses. To the extent the Preferred Alternative results in any increase in emergency service calls to the Project Site (as compared to the calls made to the now vacant office campus, or the calls made when the office campus was at full occupancy), the Preferred Alternative will generate \$541,705 per year in tax revenue for the Town and \$60,403 for the Fire District. That tax revenue could be utilized to offset impacts of the Preferred Alternative on the Town's emergency service resources.

In order to ensure that the final site plan provides appropriate access for emergency responders, the police, fire, and EMS departments were consulted during the site plan review process.

Water supply, including extra demand for fire flow, is anticipated to be adequate. The Applicant will coordinate the location of hydrants with the Armonk Fire Department as a condition of approval. The townhomes will be constructed to comply with all local and state fire prevention codes. The Proposed Action's compliance with the Town's AFFH regulations will provide opportunities for the Town's emergency service workers and volunteers to reside within the development.

## 5.11 **FISCAL AND ECONOMIC IMPACTS**

The Project Site has a 2022 assessed value of \$1,158,800. This assessment is based on the prior (MBIA) owner-occupied status of the Site. The existing office buildings on the Project Site are currently vacant and have been for approximately the past eight years. However, the Project Site has not been reassessed and, therefore, the assessed value and property tax revenue generated by the Site would likely decrease in the future absent the Preferred Alternative.

In 2022, the Project Site generated approximately \$1,253,450 in total property taxes for the Town of North Castle, the Byram Hills Central School District, Westchester County, and various local taxing districts. The Project Site generated approximately \$200,664 for the Town and \$833,492 for the School District.

The Preferred Alternative would generate approximately \$3.33 million in annual property tax revenue to the various taxing jurisdictions. This includes approximately \$541,705 for the Town of North Castle, \$401,498 for the County, and \$2.25 million for the School District. This is an increase of approximately \$1.80 million per year for these two districts from the current condition of the Project Site, which is based on a fully owner-occupied assessment of the Project Site.

In addition to the revenue generated by property taxes, the Preferred Alternative would create revenue through Town of North Castle building permit fees and other taxes including the mortgage recording tax. The Town of North Castle will collect a recreation fee totaling \$351,000 for the Preferred Alternative. Upon sale of a dwelling unit, a mortgage recording tax is paid to Westchester County on behalf of New York State. Upon full build out, the Preferred Alternative's townhome units would generate approximately \$768,560 from the mortgage recording tax. Of this total approximately \$295,600 would be paid to the Town and \$147,800 to Westchester County.

The Preferred Alternative would generate additional demand for services provided by the Town of North Castle, such as emergency services, building department services, library services, etc. The municipal costs of the Preferred Alternative were estimated through an analysis of the Town Budget using a combination of industry-standard methods, including Proportional Valuation, Per Capita, and Marginal Costing. Using these methodologies, the per capita municipal cost is estimated to be \$660 per resident. The Preferred Alternative is anticipated to increase the Town of North Castle total population by an estimated 389 new residents. Thus, the estimated annual municipal cost of the Preferred Alternative is \$256,740. The total cost to the Town would be lower than the property tax revenue of \$541,705 that is estimated to be generated by the Preferred Alternative.

#### 5.11.a. Findings and Mitigation Measures

The Preferred Alternative would have a positive fiscal and economic impact on the Town and other taxing jurisdictions. The Project would stabilize and increase the property tax assessment of the Project Site for the benefit of the Town and other taxing jurisdictions. The mix and density of uses proposed for the Site appropriately balances the economic benefits and fiscal costs, with environmental considerations, including traffic and community character.

#### **5.12 HISTORIC, ARCHAEOLOGICAL, AND CULTURAL RESOURCES**

There are no properties that are listed on or determined eligible for listing on the State or National Register of Historic Places (S/NR) on the Project Site or in the surrounding study area. The Project Site contains a farmhouse that was constructed in the early- to mid-19th century. The farmhouse originally had a barn or shed located directly west of it. The barn or shed was demolished sometime between 1976 and 1990 and a new and larger garage with four vehicular doors was built in roughly the same location as the barn or shed by 2000. The setting of the farmhouse has been substantially altered through its incorporation into the MBIA corporate headquarters, including removal of the original barn or shed, construction of a surface parking lot west of the garage, and construction of the large three-story parking structure directly south of it. In a letter dated August 7, 2019, the New York State Office of Parks, Recreation and Historic Preservation Office (OPRHP) determined that the farmhouse “is not eligible for listing on the National Register of Historic Places due to significant loss of integrity, most notably the setting, design, feeling and association. The house was formerly part of a complex that included outbuildings and fields that would’ve conveyed the historic agricultural context of the property. In its present state the remaining farmhouse is simply a fragment of a larger resource and does not on its own possess the significance required to be considered eligible for the National Register.”

OPRHP determined that a Phase 1 Archaeological Survey should be completed for the portions of the Project Site that would be disturbed unless prior disturbance could be documented. The Applicant prepared a Phase 1A documentary research study to identify areas of potential archaeological sensitivity. The Phase 1A study recommended Phase 1B archaeological testing in the northern portion of the Project Site, including conducting test pits within areas that may be disturbed by the Preferred Alternative to determine the presence or absence of significant archaeological resources. In a comment letter dated August 28, 2019, OPRHP concurred with the conclusions and recommendations of the Phase 1A Study. Consistent with this recommendation, the Applicant’s consultant conducted subsurface testing across the portion of the property determined to be sensitive for precontact resources (i.e., a Phase 1B study). Fieldwork consisted of the excavation of 136 shovel test pits (STPs). 120 of these STPs were established along linear

transects at a 50-foot interval or in 50-foot-interval grids in eight test areas spread across the Project Site. Assorted modern refuse and small quantities of architectural debris such as brick, window glass, and nails were recovered from several test pits. These artifacts are likely associated with recent residential activity and have no archaeological value. Only two artifacts were collected that are potentially evidence of precontact activity, two fragments of stone that appear to have been created during the process of stone tool manufacturing or use. The remaining 16 of the 136 STPs were excavated at a tighter interval around the two locations where these potential precontact artifacts were discovered. This tighter interval testing failed to identify any archaeological resources, leading to the conclusion that if the two finds are precontact artifacts, they represent isolated finds and do not constitute archaeological sites. Based on these results, the Applicant's archaeological consultant concluded that no archaeological resources will be affected by the Preferred Alternative and that no further testing is necessary.

#### 5.12.a. Findings and Mitigation Measures

The Planning Board finds that because there are no properties that are listed on or determined eligible for listing on the S/NR on the Project Site or in the study area, the Preferred Alternative would have no significant adverse impacts on historic architectural resources. Similarly, as the Phase 1 archaeological studies concluded that no archaeological resources would be affected by the Preferred Alternative, there would be no adverse archaeological impacts.

The Planning Board finds that removal of the 1820's farmhouse would not be a significant adverse impact given its lack of historical context. However, the Planning Board finds that the Applicant shall coordinate with the Town in good faith on whether the Town or community, at their expense, may undertake the farmhouse's relocation off-site and, if those good-faith efforts are unsuccessful by the time of Preliminary Subdivision Approval, the Applicant may demolish the house as part of the Project.

As part of the Preferred Alternative, the Planning Board finds that the stone walls at the perimeter of the Project Site, including along King Street, Cooney Hill Road, and on the south and west sides of the Project Site should not be impacted/removed. However, if portions of the stone walls are required to be removed (i.e., at the locations of the existing tennis courts, and if existing on the former residential properties at the north end of the Project Site), the stone from these walls would be salvaged and reused elsewhere on the Project Site to repair the perimeter stone walls.

### **5.13 AIR QUALITY**

An assessment of the potential air quality effects of CO emissions that would result from vehicles coming to and departing from the Project Site was performed following the procedures outlined in the NYSDOT The Environmental Manual (TEM). The screening analysis performed for the DEIS Project (based on the multistep procedure outlined in the TEM) determined that DEIS Project-generated traffic would not result in a significant air quality impact.

Based on an analysis of the air emissions that would be possible from the DEIS project's stationary sources under a worst-case scenario (i.e., fuel oil-fired systems), it was concluded that the DEIS Project would not result in an exceedance of the National Ambient Air Quality Standards (NAAQS) at any ground-level receptor.

#### 5.13.a. Findings and Mitigation Measures

The Preferred Alternative would generate significantly fewer vehicular trips than the DEIS Project. Therefore, the Preferred Alternative, as was the case with the DEIS Project, would not have a significant adverse impact to air quality from project-generated vehicle trips. The construction of new dwelling units under the Preferred Alternative (125 units) would be a reduction compared to the new construction proposed under the DEIS Project (171 units). Similar to the DEIS Project, the southernmost office building would be repurposed, but for residential use (50 apartments) rather than office use. Consequently, new sources of on-site emissions associated with the HVAC systems for the Preferred Alternative would be decreased when compared to the DEIS Project, and emissions would be more dispersed when leaving the site. Therefore, concentrations are anticipated to be less than those predicted for the DEIS Project. Therefore, the Planning Board finds that the Preferred Alternative would not have a significant adverse impact to air quality from stationary sources of air emissions and no mitigation is required.

### **5.14 NOISE**

Noise measurements conducted for the EIS indicate that traffic along King Street is the dominant source of noise within the study area. Because future traffic volumes along King Street would not significantly increase with the Preferred Alternative, and would decrease compared to the No Action condition, the Preferred Alternative would not result in a significant adverse noise impact.

The Project Site is not located within the FAA's 65 Ldn noise contour for the nearby Westchester County Airport, which is the federal threshold for significant noise. The proposed residential uses in the Preferred Alternative would include setbacks from King Street of at least 64 feet, thereby resulting in lower noise exposure from vehicular traffic at the residences compared to the measured noise levels immediately adjacent to the roadway. The proposed residential buildings would utilize standard façade construction practices, resulting in at least 20 dBA of building façade attenuation such that interior noise levels in the residences would be less than 45 dBA, which is considered an acceptable level for residential use.

#### 5.14.a. Findings and Mitigation Measures

The Planning Board finds that the screening of building mechanical systems (i.e., HVAC systems) meet all applicable noise regulations and avoid producing noise levels that would result in any significant increase in ambient noise levels at nearby noise receptors.

While the Planning Board finds that the noise levels at the buildings included in the Preferred Alternative would be considered acceptable for residential use according to NYSDEC guidance, the Site's proximity to Westchester County Airport and its location under the flight path deserves special attention. Given the location of the project site in proximity to the Airport and given the Westchester County noise concerns, the Planning Board finds that the building plans for the project include noise attenuation required by the NYS Building Code in an effort to mitigate airport noise impacts to a level at or below 45 dBA, which the Planning Board finds is appropriate for residential use. 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.

### **5.15 CONSTRUCTION**

The construction program for the Preferred Alternative is anticipated to occur in two major phases. These phases may occur consecutively or completely or partially concurrently. Similarly, they may occur in a different order.

Phase 1 involves the conversion of the existing southern office building to an approximately 50-unit multifamily building and the construction of the related 2-story parking garage, as well as the construction of the southernmost 68 townhouses, the clubhouse/amenity area, and related infrastructure improvements. This phase would also likely include demolition of the Site's existing parking garage and northern office building, as well as construction of four temporary stormwater sediment basins for erosion and sediment control purposes. The renovation of the southern office building would last approximately 8 to 12 months. Construction of the 68 townhouses would begin with clearing, grading and road construction (lasting up to 12 months), and would be followed by the construction of the residential units (lasting 12 months).

Phase 2 would involve the construction of 57 townhouses on the northern portion of the Project Site, along with the access drive from Cooney Hill Road and installation of related infrastructure and utilities. This phase would include the construction of a temporary stormwater sediment basin on the southwest side of the proposed townhouses for erosion and sediment control purposes. This phase is estimated to last 24 months.

It is anticipated that approximately 75 construction workers would be on-Site for Phase 1 of construction, and approximately 50 construction workers would be on-Site for Phase 2. Over the life of the project, it is estimated that a total of approximately 125 construction workers would be utilized (compared to 155 to 220 for the DEIS Project).

Work on weekdays would generally begin at 7:30 AM and conclude at 5:30 PM with the major construction activity ending at 4:30 PM allowing the last hour of the work day for site clean-up activities. There is the potential that work may occur on Saturdays, and any such work would be performed in accordance with Chapter 210 of the Town Code. While the number of workers at the site at any one time would vary based on the phase of construction, it is anticipated the maximum number of workers at any one time would be approximately 50 (compared to approximately 75 for the DEIS Project).

Construction truck movements would be spread throughout the day and would generally occur between the hours of 7:30 AM and 4:30 PM, depending on the period of construction. While the overall number of delivery trucks would be reduced from the DEIS Project, it is anticipated that a similar maximum number of trucks per day (i.e., 10) would occur with the Preferred Alternative.

While placement of individual construction equipment will not be determined until a detailed schedule has been completed, it is anticipated that all staging and parking areas for construction activities/workers would be fully accommodated on-Site through utilizing a combination of the Project Site's existing paved parking lot areas and other site areas within the Preferred Alternative's limit of disturbance.

#### 5.15.a. Findings and Mitigation

Based on the anticipated construction phasing and duration schedule, Site-generated traffic during construction would be less than both the No Action Condition (with the re-occupancy of the two office buildings) and the Build Condition with the Preferred Alternative during the weekday peak AM, weekday peak midday, and weekday peak PM hour. As operation of the Preferred Alternative would not have a significant adverse impact on traffic, the Planning Board finds that construction of the Preferred Alternative would not have a significant adverse impact on traffic.

In order to avoid and mitigate the potential for adverse erosion and sediment impacts, the Applicant shall implement an ESCP that includes stabilized construction accesses (SCAs), identification and demarcation of the limit of disturbance beyond which no soil disturbance is to occur, the installation of silt fencing, temporary sediment basins, inlet protection and other measures, which would be used throughout the construction period to minimize the potential for erosion and sedimentation impacts from construction of the Preferred Alternative. The final ESCP would be subject to the review and approval of the Town Engineer during the site plan review.

On-site rock processing shall require review and approval by the Planning Board as a condition of approval. Should chipping be necessary, the Applicant will need to secure a chipping permit pursuant to Article II of Chapter 122 of the Town Code. Should blasting be necessary, the Applicant will need to secure a blasting permit pursuant to Article I of Chapter 122 of the Town Code.

The Planning Board finds that in order to ensure a seamless construction project and provide for maximum communication between the Applicant and the Town, the Applicant shall be required to employ a full time construction manager for the Townhouse and Senior development projects. In addition, the Planning 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.

The Planning Board finds that in order to avoid, minimize, and mitigate adverse construction impacts to the maximum extent practicable, the Preferred Alternative shall develop a Construction Management Plan (CMP) for the Town's review and approval during site plan review. The CMP shall include measures to limit:

- Air Quality Impacts. Methods to reduce fugitive dust shall be implemented, such as minimizing the area of soil disturbed and the amount of time soils are exposed, installing truck mats or anti-tracking pads, watering exposed areas during dry periods, covering stored materials, limiting on-Site vehicle speed to 5 miles per hour, use truck covers. In addition, to minimize emissions from construction vehicles and equipment to the maximum extent practicable, ultra-low sulfur diesel would be utilized, equipment would be properly maintained, and idling of construction or delivery vehicles or equipment would not be allowed when not in active use.
- Noise. Construction activities would comply with the hour limitations set forth in Chapter 210 of the Town Code, to minimize noise intrusion from construction activities during weekends and nights when most families are at home. In addition, construction equipment utilized would incorporate sound attenuation practices to further reduce the potential impact to sensitive receptors.

Given the distance to the nearest off-site sensitive receptor is more than 1,000 feet from the Project Site, temporary construction noise and air quality impacts, while they may sometimes be noticeable, are not anticipated to result in a significant adverse impact.

Final determination of whether blasting needs to occur and, if so, to what extent, would be made by the Applicant's contractor, in coordination with the Applicant's Engineer. While a single blast would create an instantaneous noise level that is greater than other excavation methods, such as rock hammering, it would only last a moment. As such, if required, blasting would reduce the duration of excavation activities and the duration of attendant increases in noise levels.

Blasting during the construction of the Preferred Alternative shall be done in accordance with the Town of North Castle's Blasting Protocol (Town Code Chapter 122, "Blasting and Explosives"). A site-specific blasting protocol shall be prepared if blasting is to occur on the Project Site to ensure that all blasting activities would be protective of public health and safety to the maximum extent practicable.

The existing office buildings on the Project Site, along with associated parking structures, were constructed between the early 1980s and the early part of the 21st century. Due to the age of the buildings, the presence of lead-based paint (LBP) and asbestos containing materials (ACM) cannot be ruled out. Standard measures, including building surveys and adherence to applicable Occupational Safety and Health Administration (OSHA) regulations prior to and during demolition and renovations, would address these potential conditions. This includes completion of surveys that are required as part of the building permit approval process with the Town.

Construction of the proposed townhouses would involve demolition of paved surfaces (tennis courts and parking), excavation, and grading. The Phase I ESA for the Project Site identified a recognized environmental condition (REC) in connection with missing information on residential fuel oil tank removal/regulatory closure as it relates to the

former residential subdivision in the northern area of the Project Site. Therefore, during subsurface disturbance associated with construction of the new townhouses, the potential exists for exposure to hazardous materials as a result of unexpected discoveries. The Planning Board finds that the following mitigation measures, proposed by the Applicant, would minimize and mitigate potential adverse impacts from this condition to the maximum extent practicable:

- Soil testing, where necessary, to determine suitability for on-Site reuse and/or off-Site disposal in accordance with prevailing regulations related to native soil and fill material;
- Management of excavated soil, including off-site transportation, in accordance with all applicable regulations and requirements;

The Planning Board finds that the following measures shall be necessary to avoid potential adverse impacts unless the Applicant can provide the tank closure reports for the six former fuel oil tanks noted in the Phase I ESA and the reports indicate no residual petroleum remains on-Site (DEIS Appendix B5):

- Development of a contingency plan to manage the potential for discovery of unanticipated tanks or contaminated soil; and
- Documentation of the soil stockpile management, reuse, and off-Site disposal requirements.

## **5.16 UNAVOIDABLE ADVERSE IMPACTS**

The Preferred Alternative would result in physical changes to, and new construction and uses within, the Project Site. These changes will result in impacts to various environmental resources; however, the Planning Board finds that these potential impacts would not be significant. The design of the Preferred Alternative avoids certain impacts that would have occurred with the DEIS Project or the Currently Approved Plan, and mitigates other potential impacts to levels that are not considered significant. The Preferred Alternative proposes less intense development and a less intense mix of land uses on the Project Site when compared to the DEIS Project or the Currently Approved Plan.

The Planning Board finds that the Proposed Alternative would not result in unavoidable adverse impacts, and that no further mitigation is required.

## **5.17 OTHER REQUIRED ANALYSES**

### **5.17.a. Irreversible and Irretrievable Commitment of Resources**

Certain resources, both natural and human-made, would be expended in the construction and operation of the Preferred Alternative. These resources include use of the land, building materials, energy, and human effort (time and labor) required to develop, construct, and operate the Preferred Alternative.

The land that makes up the Project Site is the most basic resource irretrievably

committed. Should the Preferred Alternative be constructed, one existing office building on the Project Site would be reoccupied for residential use, and the previously developed portion of the Project Site would be redeveloped with residential uses and would not be available for another future use for some period of time.

Given that the Project Site was previously developed, the Planning Board finds that the redevelopment of the Site for the Preferred Alternative is not considered a significant or an adverse impact.

The actual building materials used in the construction of the Preferred Alternative (e.g., wood, steel, concrete, and glass) and energy, in the form of gas, diesel, and electricity, consumed during the construction and operation of the Preferred Alternative by construction equipment and the various mechanical systems (heating, hot water, and air conditioning) would be irretrievably committed to the Preferred Alternative.

The Planning Board finds that none of these irreversible or irretrievable commitments of resources is considered significant and no mitigation measures are required.

#### 5.17.b. Impacts on the Use and Conservation of Energy

Electricity and gas service to the Project Site is provided by Con Edison. Electric and gas service is available along King Street via underground transmission lines and pressurized gas mains.

The Preferred Alternative would require electricity and gas to power building systems. Con Edison would continue to provide electric service to the Project Site, which would be fed through underground service originating from King Street. This existing service would be tapped by the uses on the Project Site through a series of pad-mounted utility transformers. It is anticipated that the existing electric service will accommodate the Preferred Alternative. At the time of site plan approval, confirmation of adequate electrical service from Con Edison will be required.

The Preferred Alternative would be expected to be connected to the existing natural gas service along King Street. It is anticipated that the existing natural gas service would accommodate the Preferred Alternative. At the time of site plan approval, confirmation of adequate electrical service from Con Edison will be required.

The Preferred Alternative would incorporate energy-efficient features, including light fixtures and HVAC and mechanical systems. The use of energy-efficient features would reduce the Project Site's energy consumption, which would also reduce the greenhouse gas emissions attributable to the Preferred Alternative. The specific energy-saving features of the Preferred Alternative would be dependent on the final site plan proposed. None of these impacts on the use and conservation of energy is considered significant and no mitigation measures are required.

#### 5.17.c. Growth Inducing Aspects

The Preferred Alternative would not be expected to induce growth elsewhere in the Town of North Castle or surrounding region, as the Preferred Alternative is being proposed to serve a current and existing need, one that has been identified in the Town's 2018 Comprehensive Plan. Westchester County and the Town of North Castle have recognized that there has been a decreased demand for corporate office park development and

increased demand for mixed-use infill development.

While the Preferred Alternative would introduce 175 residential units (50 of which would be age-restricted), this population would not be expected to create significant new commercial development pressure. The Preferred Alternative would include on-Site amenities for residents including indoor/outdoor exercise and fitness options, a swimming pool, and walking paths. The off-Site spending of the Preferred Alternative's residents would therefore be expected to increase the patronage of existing regional businesses, and not create the demand for new development. The Planning Board is aware of the concern regarding traffic, parking and congestion in the Armonk Hamlet, and that the recently adopted Armonk Parking Study calls for expanding the supply of public parking in the Hamlet. The Town is currently working to expand the amount of public parking available in the Armonk Hamlet by constructing new off-street parking spaces on the Verizon parcel.

The Planning Board finds that as the Preferred Alternative is not anticipated to induce growth elsewhere in the Town, no mitigation measures are required.

#### 5.17.d. Cumulative Impacts

The Proposed Zoning and Preferred Alternative would only apply to the Project Site. Therefore, there are not cumulative impacts of the Proposed Action as the Proposed Action would not permit or allow development of any other Site.

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## **CERTIFICATION OF FINDINGS**

Having considered the Draft and Final EIS, and having considered the preceding written facts and conclusions and specific findings relied upon to meet the requirements of 6 N.Y.C.R.R. Part 617, this Statement of Findings certifies that:

1. The relevant environmental impacts, facts and conclusions have been disclosed in the DEIS and FEIS;
2. The Planning Board has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
3. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

North Castle Planning Board

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Christopher  
Carthy  
Chairman

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Date