



STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

January 30, 2024

APPLICATION NUMBER - NAME #2023-038 – 113 King Street – Airport Campus – Preliminary Subdivision Plat, Site Development Plan, Tree Removal Permit and Wetland Permit Approvals	SBL 118.02-1-1
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MEETING DATE February 12, 2024	PROPERTY ADDRESS/LOCATION 113 King Street
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BRIEF SUMMARY OF REQUEST

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



PENDING ACTION:	<input type="checkbox"/> Plan Review	<input type="checkbox"/> Town Board Referral	<input type="checkbox"/> Preliminary Discussion
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EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-MF-A and R-MF-SCH	Vacant Corporate Campus	Office	Conversion to multi-family residential	38.8 acres

PROPERTY HISTORY August 2023 – Town Board rezoned the property to the R-MF-A and R-MF-SCH Zoning Districts	COMPATIBILITY with the COMPREHENSIVE PLAN The Town of North Castle Comprehensive Plan states: For the PLI, OB-H and DOB-20A zones, in particular (business park, portion of IBM property, Swiss Re and former MBIA campus), the Town should explore allowing for an introduction of residential uses, at a scale comparable to surrounding landuse patterns. In the PLI and DOB-20A zones, retail, hotel, personal-service, entertainment and ancillary education uses may also be permitted for these districts, but any retail should be limited to accessory uses to avoid competition with established shopping areas, especially downtown Armonk.
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STAFF RECOMMENDATIONS

1. The Applicant should be directed to address all outstanding staff and consultant’s comments.
2. The project is compatible with the Comprehensive Plan.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> 1. The Town Board adopted Findings regarding the Proposed Action on August 9, 2023. Prior to taking any action, the Planning Board will need to adopt its own Findings with respect to the environmental impacts of the Proposed Action. 2. A Public Hearing for the proposed preliminary subdivision application, site plan and wetlands permits was opened at the January 8, 2024 Planning Board meeting. 3. Pursuant to Section 12-18.A of the Town Code, all site development plans submitted to the Planning Board are required to be referred to the Architectural Review Board (ARB) for review and comment. 4. Pursuant to Section 340-5.B of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board. Such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 340. 5. Since this lot is in excess of 10 acres, the project should be referred to the Conservation Board, pursuant to Section 239-y.3.a of NY General Municipal Law. 6. The project is located within the NYC Kensico Watershed. The Applicant will need to obtain approval from the NYCDEP. 7. The Applicant shall submit the Traffic Impact Study to the New York State Department of Transportation (NYSDOT) for review and comment. 8. The site plan will need to be forwarded to the Chief of Police, Fire Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services. 9. The site plan will need to be forwarded to the Water and Sewer department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the capacity of the sewer and water infrastructure to handle the proposed amount of demand. 10. The Applicant will need to obtain Westchester County Department of Health approval for the water and sewer main extensions. 11. The application for site plan approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). This referral is required because the subject site is located within 500 feet of NY Route 120. 	<p>The Applicant plans to submit revised plans to the Architectural Review Board (ARB) for their February meeting.</p> <p>The Conservation Board recommended approval of the project conditioned upon the mitigation plan be revised to reflect native plantings that that pesticide and herbicide use be prohibited.</p> <p>The referral was made on October 24, 2023.</p> <p>The Applicant notes that they attended a pre-application consultation with the NYCDEP on June 2, 2023 and anticipate filing the SWPPP with the Planning Board shortly.</p> <p>The Applicant filed a Stage 1 submission with the NYSDOT.</p> <p>The Applicant also filed a Temporary Use and Occupancy permit with the NYSDOT to start their process for approval of the water main planned for King Street.</p> <p>In addition, the site plan should be referred to the Town's Traffic Consultant for review.</p> <p>The referral was made on October 24, 2023.</p> <p>The referral was made on October 24, 2023.</p> <p>The referral was made on October 24, 2023.</p>

General Comments

1. A major topic of discussion at the January 8, 2024 Planning Board meeting related to aircraft noise and how the noise analysis provided by the Applicant did not comply with FAA Advisory Circular Guidelines for Sound Insulation of Structures Exposed to Aircraft Noise, 2022, AC No. 150/5000-9B. The Applicant has submitted a response from B. Laing, the Applicant's noise consultant describing their qualifications and stating that the site is outside of the DNL 65 dBA contour, that indoor sound will be less than 45 db, that the FAA Part 150 requirements are not applicable and that the proposal would also meet the planning requirements of Fairfax, VA mentioned at the Planning Board meeting.
2. The Applicant has provided the following update with respect to providing potable water to the project:

The Water Petition to extend Water District Number 8 was filed with the Town Board on January 4, 2024 which voted to receive it on January 10, 2024. A Public Hearing required by state statute has been scheduled for February 14, 2024.
3. The site plan should be revised to provide details of all site plan elements other than the development of the single family homes. Specifically, the Applicant should provide floor plans, elevations and a detailed site plan for the amenities complex.
4. The Applicant has indicated that a school bus stop will be provided along Cooney Hill Road. It is noted that a signal is no longer proposed for the NYS Route 120 intersection. Given the limited sight lines available at this intersection, it is not recommended that school buses utilize this street.
5. The Applicant will need to submit site plans for each lot for review and approval.
6. The site plan depicts 2,011 square feet of Town-regulated steep slope disturbance.
7. The site plan depicts 1,091 Town-regulated trees with 678 trees proposed to be removed and 413 trees to remain. As mitigation, the site plan depicts 1,078 new trees proposed to be planted on the site.
8. The site plan depicts 7,696 square feet of Town-regulated wetland buffer disturbance. A 15,400 square foot mitigation plan has been proposed.
9. If a local group does not intervene shortly, the existing 1820's farmhouse will be demolished by the Applicant.

The Town previously contracted with HMM&H to review the noise section of the EIS. The Planning Board has the ability to have HMM&H review the noise aspects of the site plan for the Planning Board.

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

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

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

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

The Conservation Board recommended approval of the project conditioned upon the mitigation plan be revised to reflect native plantings that that pesticide and herbicide use be prohibited.

The Applicant notes that NYS OPRHP found the farmhouse is not historically significant.

10. The Applicant has stated that blasting and chipping is proposed. In addition, the Applicant has indicated that crushing may be conducted on the site and a crushing location is depicted on the site plan. The Applicant should provide additional detail and parameters relating to the crushing operation. Specifically, the type of equipment should be identified. The equipment should be outfitted with integrated dust control system. The total number of days of crushing shall be identified and the hours of operation made clear (9 to 4 is recommended). In addition, if the dust control system is inoperable, all crushing shall cease. Weekend crushing operations shall be prohibited.
11. The proposed irrigation system shall utilize the existing on-site pond and, if permitted by the County, from one or more of the existing on-site wells in an effort to minimize potable water use.
12. The Findings Statement requires the Applicant to employ a full time construction manager for the Townhouse and Senior development projects. In addition, the Town Board finds that given current Town staffing levels combined with the size of both the Townhouse and Senior developments, the Applicant shall be required to reimburse the Town for costs associated with a third party part-time special engineering and/or building inspector.
13. Pursuant to the Findings Statement, the Applicant shall prepare and submit a Construction Management Plan (CMP), to the satisfaction of the Town Engineer, addressing air quality, blasting, chipping, rock processing and construction noise impacts.
14. The Applicant noted that closure reports for underground oil tanks were not available for the former Weber Place homes. The Applicant shall prepare a plan, to the satisfaction of the Town Engineer, that addresses this potential issue.
15. The subdivision plat shall be revised to include the dimension of all property lines (meets and bounds) and proposed section, block and lot numbers for each lot.
16. The Town charges a fee in lieu of providing recreation facilities. Market rate units are charged \$10,000 per unit. Multifamily units are \$3,000 per unit. The residents of the AFFH units require a payment of \$1,000 per unit.

Details of such activity should be provided to the satisfaction of the Town Engineer.

The Applicant shall obtain a Westchester County Department of Health Portable Rock Crushing/Screening Equipment permit

WCDOH has indicated that the proposed irrigation system is acceptable.

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

The Planning Board will need to determine what, if any, percentage of the unmet recreational demand from on-site facilities warrants a recreation fee, how to credit on-site facilities and determine a final fee contribution.

Recreation Fees	Per Unit	Units	Total	Additional Info
Armonk Square	8,500	21	178,500	
Assisted Living	1000	136	136000	
St Nersess			19000	Seminary
170 Bedford Rd	2583	24	62000	
470 Main St	3000	14	42000	
	1000	2	2000	AFFH
Whipp Hills	3500	126	441000	+23 acre park + two clubhouses/pools
	1750	24	42000	Middle Income
Madonna Senior	2750	16	44000	
Summit	1000	72	72000	+ golf course and club house amenities
Whipp Ridge	\$280,000 Park/Rec Center			Proposed development approved prior to Rec Fee for Mult-Fam
	1750	10	17500	Middle Income
162 Bedford Road	1305	36	47000	+ TB could require \$56,000 Trust fund for park, playground, rec
170&156 Bedford Rd	2437	32	78000	+ TB could require \$78,000 Trust fund for park, playground, rec
Eagle Ridge	0	88	0	Can't impose pursuant to IBM Community Park Donation + Onsite park

<p>17. The site plan indicates signage is proposed for the project in the location of existing signage. The design of the new signage should be included on the plans, when available.</p> <p>18. Pursuant to the adopted Findings Statement, to ensure that Site residents are aware of their proximity to the Airport, the Applicant shall place a notice in any rental agreement, offering plan, or contract for any residential unit on the Site notifying prospective residents of the Site's proximity to the Westchester County Airport.</p> <p>19. Pursuant to the adopted Findings Statement, to ensure the townhouses are not modified subsequent to construction to add additional bedrooms, the Applicant has agreed to place a deed restriction in favor of the Town on each townhouse lot limiting the townhouses to three bedrooms.</p> <p>20. Pursuant to Section 355-24.1.1 of the Town Code AFFH units shall be marketed in accordance with the Westchester County Fair Affordable Housing Affirmative Marketing Plan.</p> <p>21. Pursuant to Section 355-24-1.2 of the Town Code, the maximum monthly rent for an affordable AFFH unit and the maximum gross sales price for an AFAH unit shall be established in accordance with US Department of Housing and Urban Development guidelines as published in the current edition of the Westchester County Area Median Income AMI Sales Rent Limits available from the County of Westchester.</p> <p>22. Pursuant to Section 355-24-1.3 of the Town Code, units designated as affordable AFFH units shall remain affordable for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.</p> <p>23. Pursuant to Section 355-24-1.4 of the Town Code, a property containing any affordable AFFH units shall be restricted using a mechanism such as declaration of restrictive covenants in recordable form acceptable to the Town which shall ensure that the affordable AFFH unit shall remain subject to affordable regulations for the minimum 50-year period of affordability. The covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit upon approval such declaration shall be recorded against the property containing the affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.</p> <p>24. Pursuant to Section 355-34.1(6)(a) of the Town Code the Applicant has provided information regarding the size of all units. Proposed AFFH Unit 212 is 1,126 square feet where 80% of the average market rate 1 bedroom unit is 1,157 square feet. Unit 212 shall be increased in size so that it complies with the minimum requirements of the Town Code.</p>	<p>The Applicant will need to obtain ARB approval for the signs.</p>
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