

TOWN BOARD: TOWN OF NORTH CASTLE
COUNTY OF WESTCHESTER: STATE OF NEW YORK

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In the Application of

JMF PROPERTIES LLC

For an Amendment to the Zoning Ordinance and Zoning Map of the Town of North Castle pursuant to Section 355-80 of the Zoning Ordinance associated with the establishment of a new zoning district entitled “R-MF-R Residence District” and the mapping of said district to a portion of the property known as Tax Map Parcel ID 118.01-1-2, commonly known as 1700 Old Orchard Street, Armonk, New York.

**VERIFIED
PETITION**

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TO THE TOWN BOARD OF THE TOWN OF NORTH CASTLE:

The Petitioner, JMF PROPERTIES LLC, by its attorney, Anthony F. Veneziano, Jr., Esq., of Veneziano & Associates, 84 Business Park Drive, Suite 200, Armonk, New York 10504, as and for its Verified Petition, alleges and states as follows:

A. DESCRIPTION OF PARTIES AND SUBJECT PROPERTY

1. JMF Properties LLC (“Petitioner” or “JMF”) is a limited liability company organized under the laws of the State of New Jersey, having offices at 80 South Jefferson Road, Suite 202, Whippany, New Jersey 07981.

2. Petitioner is the contract vendee of a portion of the property located at 1700 Old Orchard Street, Armonk, New York and shown on the North Castle Tax Assessment Map as Tax Map Parcel ID 118.01-1-2 (the “St. Christopher’s Property”). Attached as **Exhibit A** is a location map and attached as **Exhibit B** is a copy of the relevant portion of the tax map. The total lot area of the St. Christopher’s Property is approximately 36 acres. The St. Christopher’s property is located partially within the R-1A zoning district and partially within the R-2A zoning

district. Attached as **Exhibit C** is a copy of the relevant portion of the zoning map showing the zoning of the St. Christopher's Property and the surrounding area.

3. The northwestern portion of the St. Christopher's Property is currently improved with the Jennie Clarkson Campus, an adolescent development facility for children with special needs and their families. While the campus abuts Route 22, due to the topography it is not visible from Route 22 or Old Orchard Street.

4. Petitioner is the contract vendee of approximately 22 acres of the St. Christopher's Property (hereinafter the "Subject Property"). The remaining 14± acres, upon which the Jennie Clarkson Campus is located, will remain under its current ownership and operation of the existing facility will continue (the "Jennie Clarkson Property"). This sale precludes expansion of the existing use.

5. As will be set forth in more detail below, the Petitioner is seeking to develop approximately 12 acres of the Subject Property with high end multi-family rental housing with accompanying amenity space. In accordance with the newly proposed R-MF-R zone, the Subject Property will be developed with a single building over covered parking. All parking shall be provided in a covered structure beneath the proposed buildings in order to maximize open space and minimize impervious surface. Additionally, the Petitioner intends to place a conservation easement on the remaining 10± acres of the Subject Property.

B. CURRENT ZONING AND DEVELOPMENT

6. The St. Christopher's Property is approximately 36 acres in size and is located on the east side of Route 22. As stated above, it is currently located partially in the R-1A and R-2A zoning districts, which allow single family homes on one and two acre lots respectively.

7. Since the 1900s the St. Christopher's Property has been the site of the Jennie Clarkson Campus. There are 5 buildings on the site, including a dormitory, classroom buildings, administrative offices, and ancillary buildings.

8. The Jennie Clarkson Campus is located on approximately 14 acres in the northwest corner of the St. Christopher's Property. The remaining 22 acres, which will be subdivided off and sold to the Petitioner (the Subject Property), is heavily wooded vacant land.

9. Access to the Jennie Clarkson Campus is obtained via a driveway running parallel to Route 22 on the far western side of the Jennie Clarkson Campus. An aerial image of the site showing the existing conditions is attached hereto as **Exhibit D**. The development platform for this proposal is approximately 89 feet above the elevation for the Route 22/Old Orchard Street intersection.

C. SURROUNDING ZONING AND DEVELOPMENT

10. The Subject Property is bounded by two acre zoning to the north, east, and west and one acre zoning to the south.

11. To the north of the Subject Property is the Jennie Clarkson Campus and hundreds of acres of vacant woodlands and undevelopable watershed area.

12. To the south of the Subject Property is the Cranberry Lake Preserve, a 190 acre park operated by the Westchester County Department of Parks, Recreation, and Conservation.

13. To the east of the Subject Property on Old Orchard Street is the BOCES campus and two (2) single family homes.

14. Finally, to the west of the Subject Property are Route 22 and the Kensico Reservoir, which is over 2,000 acres in size.

D. PROPOSED DEVELOPMENT AND USE

15. The Development Plan for the Subject Property includes two hundred (200) luxury rental units located in one building, with amenity space, constructed above a four hundred (400) space covered parking platform. The design concentrates construction and maximizes open space. The Development Plan will be located on approximately 12 acres of the Subject Property. Approximately 3.5 acres of the 12 acres will be impervious surface (buildings and roads) and the remaining ± 8.5 acres will be “green” space. The Petitioner intends to place a conservation easement on the remaining $10\pm$ acres thereby creating permanent open space. Attached as **Exhibit E** is a Preliminary Site Plan Layout, prepared by JMC, PLLC, dated February 12, 2016, depicting the proposed use and its location on the Subject Property.

16. The residential building proposed for the site will contain 200 units. Forty percent (40%) of the units (80) will be one bedroom and sixty percent (60%) of the units (120) will be two bedroom. The one bedroom units will range in size from 720 s.f. to 920 s.f.. The two bedroom units will range in size from 1,090 SF to 1,405 s.f.

17. Ten percent (10%) of the units (20) will be Affirmatively Furthering Fair Housing units (“AFFH”). These AFFH units shall be integrated into the design of the development and shall not be distinguishable from the market rate units from the outside or building exterior. Forty percent (40%) of the AFFH units (8) will be one-bedroom and sixty percent (60%) of the AFFH units (12) will be two-bedroom.

18. The residential building of the project contains two wings that are organized around a common outdoor recreation area angled toward views of the Kensico Reservoir. The common area will include a “Great Lawn” for passive recreation and leisure, an outdoor fire pit overlooking the Reservoir, and “bark walk”. Private terraces and balconies with views of the

Kensico Reservoir and Cranberry Lake Preserve are also important design elements which provide architectural articulation and style. Additionally, the project is envisioned to include a generous complement of luxury indoor amenities including a club room, fitness center, virtual fitness area, yoga/meditation center, business center, theater, and enclosed parking.

19. Access to the site will be provided via a new driveway located on Old Orchard Street. The traffic from the development will then proceed to the signalized intersection of Old Orchard Street and Route 22. As evidenced in the traffic report prepared by JMC, PLLC, dated February 12, 2016, attached hereto as **Exhibit F**, the surrounding roadways are easily able to accommodate the traffic associated with the proposed development.

20. Parking for the project will primarily be provided in a fully enclosed subterranean parking structure, with approximately 20 at-grade spaces for guests being provided outside. The residential building will be constructed on top of the parking platform. This design provides two significant benefits: (i) the parking spaces will not be visible from Old Orchard Street or Route 22; and (ii) the amount of impervious surface associated with the project is greatly reduced, thereby minimizing site disturbance. The New York City Department of Environmental Protection reservoir lands abut the western edge of the Subject Property along Route 22. The two wings will be situated in the center of the densely wooded site, which will render it virtually invisible from the surrounding properties and adjacent roadways.

21. The residential units in the project are envisioned to have luxury kitchens and large living areas for entertaining. Many of the residences will have large windows, balconies and/or private terraces with expansive views of the Kensico Reservoir and Cranberry Lake Preserve. Great care will be taken on locating the wings of the building on the site to allow for as many units as possible to have views of the surrounding area.

22. As can be seen on the aerial image attached hereto as Exhibit D, other than the two adjoining institutional uses and a handful of single-family homes, the Subject Property is surrounded by hundreds of acres of undeveloped land and the project will, therefore, have little if any impact on the surrounding area. It is also important to note that due to the topography of the Subject Property and the surrounding area, as well as the significant number of mature growth trees (both on and off site), there are virtually no visual impacts associated with the proposed development. Attached hereto as **Exhibit G** are renderings prepared by Marchetto Higgins Stieve, dated December 12, 2015, of the proposed development from various viewpoints showing the minimal visual impacts.

23. Under the current R-1A and R-2A zoning, the Subject Property could be developed with eleven (11) single family homes. The single family development would require much more site disturbance, increase the visual impact, and would provide significantly less tax revenue for the Town. As can be seen on Layout Study #1 prepared by JMC, PLLC, attached hereto as **Exhibit H**, the eleven lot plan would encompass the entire Subject Property. This plan eliminates the 10 acres of permanently preserved open space that are contemplated in the multi-family development. Furthermore, the single family layout requires a significant increase in the amount of roadway contemplated for the site. Instead of the single drive serving the multifamily development, the single family development requires roadway improvements reaching well into the Subject Property and 11 individual driveways.

24. In order to accommodate the proposed development on the Subject Property, we respectfully request the establishment of a new zoning district entitled “R-MF-R” and the mapping of said district to the Subject Property. An initial draft of a proposed ordinance creating the zone and mapping it to the Subject Property is attached hereto as **Exhibit I**.

E. ADDITIONAL CONSIDERATIONS IN SUPPORT OF PETITION

25. One of the significant benefits to the Town of North Castle associated with the proposed development of the Subject Property is an increase in rateables and real estate tax revenue. Currently, the Subject Property is entirely exempt from real estate taxes. That status will change upon the sale to Petitioner. It is estimated that the 200 unit project, which includes 180 market rate units and 20 AFFH units, will generate approximately \$1,184,000 in taxes when fully developed and occupied. The Town will receive approximately \$170,000 annually, with the remainder going to school and county taxes.

26. If the property were to be developed under the existing 1 and 2 acre zoning, the as-of-right development would include 11 single family homes and generate approximately \$295,500 in taxes. Of that, the Town would receive approximately \$42,200 annually.

27. Additionally, if the as-of-right plan, which provides for 11 single family homes, were built, the entire 22 acre Subject Property would be developed. If the zoning is approved for the 200 unit plan, a conservation easement will be placed on approximately 10 acres of the Subject Property, resulting in 45% of the site being permanently preserved as open space. In addition, of the ±12 acre portion of the site to be developed, only approximately 3.5 acres will be impervious surface (buildings and roads) and the remaining ±8.5 acres will be “green” space.

28. In order to accommodate the proposed project the Westchester County Joint Water Works (“WJWW”) existing water main will have to be extended to the Subject Property. In addition to extending the WJWW to the Subject Property, the extension will also include the Jennie Clarkson Campus. Additionally, this extension will also benefit a number of residential properties that currently have a water tap to their property lines (done as part of the BOCES water system extension) but which, due to technicalities, were never completed. During the

extension process, the Petitioner will ensure that these “technicalities” are resolved and that the neighboring properties that have a water tap to their property lines are able to connect.

29. The Subject Property is currently located in Sewer District #4, which is located at Old Orchard Street in Quarry Heights. It is a small collection system and pump station which conveys sewage through the Town of Harrison to a Westchester County treatment plant. In order to accommodate the proposed project certain upgrades to the existing pump station may be required. Our project team will work with the Town’s Director of Water and Sewer Operations as well as the Town Engineer to determine what, if any, upgrades are necessary.

G. ENVIRONMENTAL REVIEW

30. If approved, the proposed development would include 200 residential units to be connected to existing public water and sewer systems and be substantially contiguous to the publicly operated Cranberry Lake Preserve. Accordingly, the proposed action, including the zoning amendments, subdivision of the property, and site plan approval, is a Type 1 Action under the State Environmental Quality Review Act (SEQRA) and its associated regulations. Nevertheless, we respectfully submit that due to the unique nature of the site, including direct access to a signalized intersection on Route 22, availability of public water and sewer, and limited residential development in the area, the impacts of this project will be minimal and therefore a negative declaration would be appropriate.

31. A Long Environment Assessment Form is attached hereto as **Exhibit J**. It is respectfully requested that the Town Board refer this matter the Planning Board for its review and recommendation as well as to declare its intent to act as Lead Agency for environmental review of this action and circulate a notice of such intent to all involved and interested agencies.

32. It is submitted that this site and development proposal provide the Town with a unique opportunity. The location of the site in an isolated part of the Town of North Castle bordering a scenic vista overlooking Kensico Reservoir, coupled with the recently provided ability to access both public sewer and public water, make this site a viable candidate for multi-family zoning and, further, presents an opportunity for the Town to capitalize on a significant tax benefit.

WHEREFORE, IT IS RESPECTFULLY requested that the instant matter be placed on the agenda of the Town Board and referred to the Planning Board, and any other board, agency, or official which the Town Board deems appropriate, for formal recommendation and that the relief sought herein be, in all respects, granted.

Dated: July 1, 2016
Armonk, New York

Respectfully submitted,
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