

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

***EAGLE RIDGE***

Town of North Castle, Westchester County, New York

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**SEQRA Lead Agency:**

Town of North Castle Town Board  
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**Date:**

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## **1.0 PROJECT DESCRIPTION**

MADDD Madonna Armonk LLC (hereinafter referred to as the “Applicant”), is proposing a mixed-use development on an approximately 32.25 acre, vacant and undeveloped parcel of land. The subject property is located in the south-central portion of the Town of North Castle, Westchester County, on the southeast corner of the North Castle Drive/Route 22 (Armonk Bedford Road) intersection. The property is more specifically known and identified as Tax Map Number 108.03-1-62.1 (hereinafter referred to the “Project Site” or “Site”).

The proposed development evolved throughout the SEQRA review process. In total, eight alternative development plans have been evaluated by the Lead Agency,

The DEIS included an analysis of four alternatives in addition to the analysis of the Proposed Action. The alternatives included:

- A. No Action
- B. Hotel Only Development Under Existing OBH Zoning
- C. Hotel and Townhouse Development (No Apartments)
- D. Reduced Townhouse Development
- E. Open Space Maximization and Limited Height Alternative

The FEIS included two additional alternatives:

- F. FEIS Plan (The Proposed Action)
- G. Alternative FEIS Plan (Senior Townhouses Only)

The Lead Agency has determined that the original project studied in the DEIS, and the five alternatives presented in the DEIS as well as the Alternative FEIS Plan would not satisfactorily achieve the Town’s articulated development goals for the Site, or would result in various adverse environmental impacts. Therefore, this Finding Statement pertains to the FEIS Plan, or the Proposed Action only.

The Proposed Action involves subdividing the property into two lots of 17.03 acres and 15.51 acres respectively. The northernmost 15.51-acre parcel would be improved to support a free-standing, 4-story, 72,800 square foot limited-service hotel consisting of 115 guest rooms, a 135-seat restaurant, a 45-seat bar and a junior ballroom accommodating 100 guests. To the east of the hotel on the same parcel, a 4-story, 71,600 square foot multi-family building is proposed consisting of 59 condominiums (39 two-bedroom units and 20 one-bedroom units). 9 of the two-bedroom units would meet the Town’s Affirmatively Furthering Fair Housing (AFFH) requirements, as would 2 of the one-bedroom units. Both of these buildings have been shifted south, toward the center of the Site to provide maximum physical separation from Community Park and to

significantly reduce the extent of site disturbances. The main site driveway is proposed off North Castle Drive and would provide access to both parcels. A secondary access driveway is proposed to the north of the hotel serving the north parcel only. 171 at-grade off-street parking spaces are proposed on the north and west side of the hotel, with 44 additional spaces provided in a garage. 68 at-grade off-street parking spaces are provided on the south side of the multi-family condominium building, with an additional 44 spaces provided in a garage. Off-street loading is proposed at the rear (north) side of both buildings.

On the southern 17.03-acre parcel, 50 market rate, age-restricted senior housing (55 and older) townhouses are proposed, configured around a looped oval roadway. The townhouses would contain 2 bedrooms with office or den, and each would contain a 2-car garage and driveway. This plan calls for utilizing the R-MF-SCH – Residential Multifamily Senior Citizen Housing district floating zone provisions to allow for the development of age restricted senior citizen housing on this parcel.

Water service would be brought into the Site via two connection points, one in the park connecting to the Municipal water main near the pump house, and the other extending down Rt. 128 connecting to the Municipal main in the vicinity of Old Route 22. . The Proposed Action will employ an array of environmentally responsible green building techniques, more fully described below, to reduce the demand on the public water supply. Sanitary sewage will be accommodated through a connection to the sewer line located within the easement along the eastern edge of the Site. The Applicant will work with the Town to meet the 3:1 inflow and infiltration (I&I) objective, in accordance with the requirements of Westchester County.

An array of green building measures are proposed; including:

- Energy star windows & appliances
- Additional wall & roof insulation
- Preservation of and access to open space
- Led lights
- Efficient irrigation and water reuse
- Rain barrels
- A portion of the required parking located in parking garages, which reduces surface paving and the heat-island effect
- Water-conserving fixtures
- Leak and water metering
- Low / no VOC paints, coatings and primers
- Composite wood products that emit low / no formaldehyde

- Environmentally preferable flooring
- Green roof and green walls
- Management and recycling of construction waste management
- Recycling storage
- Mold prevention: water heaters
- Radon mitigation
- Integrated Pest Management
- Active design: promoting physical activity within the building
- Staircases and building circulation
- Interior and outdoor activity spaces for children and adults
- Smoke-free building

In order to create a sense of place that unifies the two parcels and accommodates the different uses that occupy the parcels, an extensive landscaping plan has been developed. This landscaping plan unifies the Site by creating an attractive development with abundant visual interest. The landscaping plan incorporates the following elements:

#### **Community Open Space**

- The Project's outdoor activity center functions as a community gathering space and provides passive recreation opportunities
  - 3.5 Acre recreation area.
  - Overlook deck with views to bio-retention basin and outdoor art.
  - Trail loop.
  - Diversity of landscape types- lawns, meadows, woodland, and rain gardens.

#### **Pedestrian Paths**

- Provides pedestrian connectivity internally and to surrounding community and open spaces
  - Contiguous paths, trail way system, and sidewalks used for pedestrian circulation, passive recreation, and fitness.
  - Links to proposed sidewalks connecting the townhouse community to the hotel site and condominium apartments.
  - Large portion of the paths surrounded by swaths of native meadows and wildflowers (black-eyed susan, coneflower, butterfly weed, aster, liatris, goldenrod).
  - A woodland trail creates connectivity within the community and provides for a diverse walking experience. Steps and switchbacks added to facilitate traversing steep areas.

### **Townhouses Community and Streetscape**

- Reinforce a sense of place / neighborhood.
  - Tree-lined (hybrid american elm, sugar maple, red oak) streets provide shade, traffic calming, and environmental benefit.
  - Variety of plant types: shade trees, clusters of flowering trees (redbud, dogwood) and shrubs provides seasonal interest and pedestrian scale.
- Permeable pavers at each driveway provides a decorative element in the front yard while also managing stormwater runoff.
- Stone walls, fences, and cottage gardens between units act as landscape features and recall the site's history as a farm.
- Buffer planting of evergreens and oaks between townhouses and IBM parking lot.

### **Bioswale**

- Provides green infrastructure collecting stormwater runoff and directing it to bio-retention basins.
- Sweeping curvilinear forms soften walls and grade changes between units .
- Tiered low walls are heavily planted to create a living wall effect.

### **Woodland Edge**

- Natural transitional edge of native plants which extends from existing woodlands to new meadows and turf areas.
  - Native grasses (switchgrass, little bluestem) and shrubs (chokeberry, nanny berry viburnum, grey dogwood) attract wildlife and provide habitat.
  - Flowering dogwood and redbud trees add seasonal interest.

### **Hotel/ Apartment Site**

- Create a sense of arrival at the front entry.
  - Groves of river birch and gardens of native perennials create a natural setting adjacent to outdoor hotel spaces.
  - Pool overlook area with views to the meadow and outdoor art.
  - Buffer planting of evergreens and oaks between Community Park and proposed buildings.

### **Sculpture Meadow**

- Functional and visual space which creatively addresses on-site storm water management
  - Quilt-like patterns of various meadow grasses provides habitat for birds.
  - Sculptural earth forms.
  - Large scale outdoor art.

- New trees with sculptural profiles informally frame views to outdoor art (willows, white oak, sycamore).

### **Site Lighting**

- Site lighting that conforms to the minimum requirements of the Town Code.
- Average illumination levels within the IES recommended standards for roadway and pedestrian walkway applications.
- All luminaires for townhouse portion of the project include a house side shield to minimize light trespass.
- No light trespass on neighboring properties due to fixtures having sharp cutoffs and distance from the property line.
- Light fixtures are dark sky compliant and do not contribute to light pollution.

### **Existing Trees / Landscape Restoration Plan**

A vast majority of the existing trees being removed within the limit of disturbance are in fair to poor condition. In addition, many are considered to be invasive (i.e., Norway Maple) and undesirable due to the fact that they are disease-prone and weak wooded (i.e, cherry, black birch, ash, elm, black locust). The proposed landscape plan will introduce over 300 new hardy native trees including the following:

- Shade trees
  - Sugar Maple (*Acer saccharum*)
  - Red Maple (*Acer rubra*)
  - Red Oak (*Quercus rubrum*)
  - White Oak (*Quercus bicolor*)
  - Honey Locust (*Gleditsia triacanthos*)
  - River Birch (*Betula nigra*)
  - American Elm (*Ulmus Americana* ‘Princeton’)
- Flowering trees
  - Flowering Dogwood (*Cornus florida*)
  - Eastern Redbud (*Cercis canadensis*)
  - Shadblow Serviceberry (*Amelanchier canadensis*)
- Evergreen trees
  - White Fir (*Abies concolor*)
  - White Spruce (*Picea glauca*)
  - Norway Spruce (*Picea abies*)\*

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\* Non-native, adapted

- Colorado Spruce (*Picea pungens*)
- The Following shrubs are proposed;
  - Winterberry (*Ilex verticillata*)
  - Compact Inkberry (*Ilex glabra* 'Compacta')
  - Bayberry (*Morella pensylvanica*)
  - Fragrant Sumac (*Rhus aromatica*)
  - Arrowwood Viburnum (*Viburnum dentatum*)
  - Grey Dogwood (*Cornus Racemosa*)
  - Red Osier Dogwood (*Cornus sericea*)
  - Virginia Sweetspire (*Itea virginica*)
  - Leatherleaf Viburnum (*Viburnum rhytidophyllum*) \*
  - Doublefile Viburnum (*Viburnum plicatum* f. *tomentosum* 'Mariesii') \*
  - Wintergem Boxwood (*Buxus sinica* var. *insularis*) \*
  - Andromeda (*Pieris japonica*) \*
  - Japanese Meadowsweet (*Spiraea japonica*) \*
- The following Native Perennials & Grasses are proposed;
  - Black-eyed Susan (*Rudbeckia hirta*)
  - Coneflower (*Echinacea purpurea*)
  - Butterfly Weed (*Asclepias tuberosa*)
  - New England Aster (*Symphyotrichum novae-angliae*)
  - Blazing Star (*Liatris spicata*)
  - Goldenrod (*Solidago rigida*)
  - Joe-Pye Weed (*Eutrochium purpureum*)
  - Garden Phlox (*Phlox paniculata*)
  - Switchgrass (*Panicum virgatum*)
  - Little Bluestem (*Schizachyrium scoparium*)
  - Pennsylvania Sedge (*Carex pensylvanica*)
  - Northern Prairie Dropseed (*Sporobolus heterolepis*)

In addition to various green building practices incorporated into the new buildings and site improvements, the Applicant will explore options to incorporate rooftop mounted photovoltaic solar panels and installing electric vehicle charging stations within the hotel parking area during the site plan review process.

A stormwater management plan has been developed for the Proposed Action consisting of detention basins, subsurface infiltration devices, catch basins and manholes, hydrodynamic separators, sediment traps and rain gardens among other measures, including a green roof which is under consideration.



New exterior lighting is proposed throughout the Site to afford safety, facilitate circulation and wayfinding. All lighting will be Dark Sky compliant, shielded, downward directed and will be designed to provide appropriate levels of illumination. Illumination levels along the perimeter of the Site will not exceed 0.5 footcandle pursuant to Section 355-45.M of the Town Code.

The development described above is hereinafter referred to as the “Proposed Action.”

## **2.0 PUBLIC PURPOSE, NEED AND BENEFITS**

The Proposed Action represents the development of a vacant and underutilized parcel of land in a manner that is consistent with the long-term vision of the community as articulated in the recently adopted Comprehensive Plan, as well as with existing and anticipated market trends.

The Town recognized market trends and the practical development potential of the Project Site, and in 2010 rezoned the Site from OB – Office to OBH – Office Business Hotel, allowing for the development of hotels pursuant to the requirements of § 355-30(G).

After careful market study and evaluation by the Applicant, the Proposed Action has been refined to specifically reflect market conditions in the following ways.

While it does appear that there is space in the market for the construction of additional hotel inventory, the Applicant believes that the maximum development potential under the OBH, can’t be supported in the marketplace. The Applicant has determined that the most viable project represents a mixed-use development combining a boutique hotel that caters to the upscale nature of the surrounding area and provides a new neighborhood amenity for local residents, along with compatible residential uses.

The Lead Agency, supported by the conclusions of its marketing consultant, finds that local corporate market does not warrant the addition of a large full- service hotel, but a void presently exists in serving the travel needs of local corporations’ upper-level executives. A smaller, boutique hotel would be well-positioned to fill this void and capture higher-rated demand that is currently being displaced to other hotels in the region. Furthermore, leisure demand in the market is not significant enough to sustain a larger hotel, particularly given the limited nature of public transit options in North Castle and more difficult accessibility to New York City when compared to other areas of Westchester County. A smaller boutique hotel could be sustained in non-corporate demand periods

however, by the social catering and events needs generated by the local affluent residents.

In considering the range of residential housing options to supplement the boutique hotel, the Town's articulated objective of providing a greater variety of housing types proved persuasive. The Comprehensive Plan clearly identifies the demographic realities facing the Town – an aging population (the 50+ cohort grew by 31.4%) and an emerging young population concentrated in Armonk and North White Plains. The existing lack of alternative housing options will clearly impede retaining existing older residents who wish to downsize from their single-family homes, yet remain in North Castle, as well as for younger people just entering the housing market that are either priced-out, or as is becoming more prevalent, are simply unable to find housing choices that suit their needs and preferences.

Eagle Ridge combines two housing types into a single project, offering for-sale townhouses and condominium apartments, thus meeting a broad range of community housing needs. Integrating these residential uses with a boutique hotel creates a unique and innovative solution to implementing the Town's vision for the Site.

However, the Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

### **3.0 SEQRA REVIEW PROCEDURE**

In 2016, the Applicant commenced negotiations with IBM to purchase the project Site for the purpose of developing a mixed-use development. On August 22, 2017, the sale of the property was completed, and the Site was transferred from IBM to MADDD Madonna Armonk LLC. Shortly thereafter, the Applicant began the process of developing design alternatives for the Site, ultimately culminating in the submission of a verified petition to rezone the Site to accommodate a development proposal.

The chronology of the SEQRA review is summarized below:

March of 2018: The Applicant, submitted a verified petition requesting a rezoning of the Site to accommodate a development proposal.

March 28, 2018: The Town Board declared its intent to serve as Lead Agency for the SEQRA review of the Proposed Action. The Lead Agency Notice of Intent was circulated to all Involved Agencies in accordance with 6 NYCRR 617.6, and no objections to that designation were received.

May 30, 2018: The Town Board confirmed its Lead Agency designation and having reviewed the potential environmental effects of the proposed Project, as identified in the EAF submitted by the Applicant, adopted a Positive Declaration requiring the preparation of a Draft Environmental Impact Statement (“DEIS”).

June 13, 2018: The Lead Agency held a formal scoping session on the DEIS, and on June 27, 2018 and adopted a Scoping Document, which identified each relevant issue to be studied in the DEIS.

December 12, 2018: The Applicant submitted a draft DEIS, prepared in accordance with the adopted Scoping Document, which was the subject of a completeness review by Town staff and consultants. The completeness review resulted in comments requiring revisions to the DEIS. The Applicant then submitted a revised DEIS, which was reviewed by Town staff and consultants, and determined to have addressed all of the completeness comments, and was found to be in a form suitable for acceptance by the Lead Agency.

May 22, 2019: The Town Board, after conducting its own independent completeness review, determined that the Draft Environmental Impact Statement adequately addressed the requirements of the Scoping Document and accepted the DEIS as complete, and scheduled a public hearing for June 26, 2019. The DEIS was circulated to all Involved Agencies and publication of notice of its acceptance by the Planning Board was duly published in the Environmental Notice Bulletin (“ENB”).

June 26, 2019: The public hearing on the DEIS was opened on June 26, 2019, at which time all those wishing to comment on the Project were afforded an opportunity to be heard. The Town Board closed the verbal portion of the public hearing on July 10, 2019, and written comments were accepted until August 19, 2019.

May 7, 2020: The Applicant submitted a draft FEIS, which responded to all comments received during the public hearing, as well as all written comments. This document was the subject of a completeness review by Town staff and

consultants. The completeness review resulted in comments requiring revisions to the FEIS. The Applicant subsequently revised and resubmitted the FEIS, which was reviewed by Town staff and consultants, and determined to have addressed all of the completeness comments, and was found to be in a form suitable for acceptance by the Lead Agency.

December 21, 2020: The Town Board accepted the FEIS as complete, and established a 10-day written comment period. The FEIS was circulated to all Involved Agencies and publication of notice of its acceptance by the Town Board was duly published in the ENB.

#### 4.0 REQUIRED PERMITS & APPROVALS

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

Table 1 Project Reviews and Approvals	
Involved Agency	Approval/Review
<b>Town of North Castle</b>	
Town Board	<ul style="list-style-type: none"> <li>▪ SEQRA review and adoption of Findings</li> <li>▪ Zoning map change (OBH to R-MF-SCH)</li> <li>▪ Zoning text amendment (OBH zone)</li> </ul>
Planning Board	<ul style="list-style-type: none"> <li>▪ Zoning map and text amendment referral and recommendation</li> <li>▪ Site Plan approval</li> <li>▪ Subdivision approval</li> </ul>
Architectural Review Board	<ul style="list-style-type: none"> <li>▪ ARB approval</li> </ul>
Conservation Board	<ul style="list-style-type: none"> <li>▪ Recommendation</li> </ul>
Building & Engineering Department	<ul style="list-style-type: none"> <li>▪ SWPPP</li> <li>▪ Building Permits'</li> <li>▪ Utility and Roadway Approval</li> </ul>
Water & Sewer Departments	<ul style="list-style-type: none"> <li>▪ Water service connection</li> <li>Sanitary sewer service connection5</li> </ul>
<b>Westchester County</b>	
Health Department	<ul style="list-style-type: none"> <li>▪ Water Main Extension; Sewer Main Extension; Realty Subdivision Approval</li> </ul>
Planning Board	<ul style="list-style-type: none"> <li>▪ 239-m referral</li> </ul>
<b>New York State</b>	
Department of Environmental Conservation	<ul style="list-style-type: none"> <li>▪ SWPPP Notice of Intent (NOI)</li> </ul>
Parks Recreation & Historic Preservation	<ul style="list-style-type: none"> <li>▪ Cultural resources review</li> </ul>
Department of Transportation	<ul style="list-style-type: none"> <li>▪ Right-of-Way Work Permit</li> </ul>

#### 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
- Geology & Soils
- Topography & Slopes
- Vegetation & Wildlife
- Wetlands

- Stormwater Management
- Utilities
- Traffic & Transportation
- Visual Resources & Community Character
- Community Facilities & Services
- Fiscal & Market Conditions
- Historic, Archaeological and Cultural Resources
- Open Space
- Construction Impacts

## **5.1 LAND USE & ZONING:**

The Proposed Action is a mixed-use development consisting of a 115-key limited-service hotel, a 59-unit multi-family condominium building and 50 townhouses. These uses are proposed on a 32.5-acre vacant parcel that is currently zoned OBH.

However, the Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

In an effort to ensure that the hotel is ultimately constructed as part of the development, the Town Board and the Applicant shall establish a cash escrow and agree to a scheduled release of building permits and certificates of occupancy for the senior townhouse development based upon hotel construction milestones.

### ***Land Use:***

The Project Site was used for agricultural purposes since colonial times. In 1920, the property was purchased by a wealthy New York banker, who developed an estate and planted an extensive apple, pear and peach orchard. In 1955 IBM purchased the property for its corporate headquarters. The majority of the 32.5-acre Project Site was never used to support IBM's larger office use. A paved helipad and access driveway located in the southwest corner of the Site and portions of driveways were the only improvements constructed on the Site. The balance of the Site, or approximately 31 acres (97% of the Site) have been in its current vacant and undeveloped condition since approximately the 1960's when IBM ceased maintaining the remaining apple orchard.

Originally, IBM owned 367 acres in total.

In 1996 IBM subdivided the property to create 4 lots:

- Lot A – Former IBM headquarters building – 114.14 acres
- Lot B – Corporate Headquarters and Learning Center – 230 acres
- Lot A-1 – Donated to the Town of North Castle for Community Park – 23.37 acres
- Lot A-2 – IBM’s former water supply wells (subsequently donated to the Town) – 0.24 acres

In 2010, IBM further subdivided Lot A into two lots:

- Lot A-3 – Former headquarters building – 81.64 acres
- Lot A-4 – the Project Site, sold to the Applicant in August of 2017 – 32.5 acres.

Upon the subdivision of Lot A, the Town Board rezoned the Project Site from OB to OBH, which permits the uses of the OB Zoning District as well as a hotel.

The Project Site lies in a transitional location in between a number of significant land uses. To the south is the IBM corporate campus. To the east is Community Park, the Town’s sewage treatment facility, and the various uses along Business Park Drive. To the northwest is the diverse mix of uses in the Armonk Hamlet, and to the west are commercial uses along Old Route 22, backed by residential uses and the Betsy Sluder Nature Preserve.

The Proposed Action includes uses that already exist in the immediate vicinity of the Site, such as various residential uses on the north side of Route 22, including the attached townhouses in the Cider Mill development, which are similar to those proposed, as well as the former La Quinta Inn hotel located less than ¼ mile due east of the Site.

The Proposed Action is consistent with the recommendations of the various land use plans governing the Site. Section 9.3 of the Town of North Castle Comprehensive Plan reads:

*“Thus sufficient demand appears to exist for at least two small hotels or one large hotel in North Castle.”<sup>1</sup>*

In addressing the potential for an additional hotel, the Comprehensive Plan also states:

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<sup>1</sup> Town of North Castle Comprehensive Plan, page 119.

*“Adding a hotel together with limited new residential uses, would increase downtown Armonk’s potential customer base....”<sup>2</sup>*

This provision references several recommendations in the Comprehensive Plan that speak to creating more varied housing choices throughout the Town. This policy is summarized in the Housing section of the Plan:

*“While North Castle today is mostly defined by its attractive low-density residential neighborhoods, offering a greater variety of housing types could help the Town to retain Baby Boomers in retirement and attract younger people who wish to stay but cannot afford a single-family home. An efficient approach to greater variety of housing would prioritize attractive multi-family options in locations that maximize access to the community assets that make the Town so attractive, with a focus on targeted infill development in appropriate locations.”<sup>3</sup>*

Additionally, the Proposed Action is consistent with the land use recommendations of Westchester County’s “Westchester 2025” and “Patterns” plans, The Regional Plan Association’s 4<sup>th</sup> Regional Plan, The Bronx River Watershed Management Plan and the Hudson River Greenway.

While the Proposed Action would result in various physical changes to the Site, and would change the land use from vacant to mixed-use supporting a hotel and residential uses, it is consistent with the land use plans governing the area.

The most notable impact would be the change in views of the Site from Community Park. Today, the view is of a wooded hillside. After the Site is developed, that view would be modified by views above the existing wooded buffer, of portions of a new 4-story apartment building alongside 50 townhomes. The 4-story hotel building would be substantially screened by the apartment building, but will be visible from various viewpoints. The Site would be a well-designed and highly-amenitized community. The new buildings will be architecturally distinctive and designed to appropriately relate to character of the area surrounding the Site. A new comprehensive landscaping plan is proposed to provide a visually attractive site as well as a transitional buffer between the development and the Park.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel

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<sup>2</sup> Town of North Castle Comprehensive Plan, page 121.

<sup>3</sup> Town of North Castle Comprehensive Plan, page 99.

and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

With the mitigation described above, none of the impacts resulting from the Proposed Action exceed any threshold that would classify it as adverse or significant.

### **Zoning:**

The Site is currently zoned OBH – Office Business Hotel. The Proposed Action calls for subdividing the Site to create two new lots of 17.03 acres and 15.51 acres respectively.

The density and dimensional regulations for the OBH zone were crafted by the Town to reflect the specific characteristics of the Project Site (which is the only parcel in Town zoned OBH). Because the property is proposed to be subdivided, the applicable zoning provisions would similarly need to be modified, and a zoning petition to do so is part of the Proposed Action.

The OBH zone is also proposed to be modified to allow for the development of a separate multi-family condominium building, which is not currently a permitted use in the OBH district.

Table 2 documents the compliance of the FEIS Plan on the north parcel with the existing OBH – Office Business Hotel district zoning requirements.

Table 2 FEIS Plan Compliance with OBH – Dimensional Regulations										
	Minimum Lot Area			Minimum Yards			Maximum Building Coverage	Maximum Building Height	Floor Area Ratio	
	Area	Frontage	Depth	Front	Side	Rear	Lot Area	Stories	Feet	
Required OBH Zoning	20 acres	500'	500'	150'	300'	300'	10%	3	45'	0.12
Proposed OBH Zoning	15 acres	500'	500'	100'	100'	150'	10%	4	45'	0.30
Proposed FEIS Plan	15.51 acres	933.3'	534.4	125'	140'	167.5'	6.6%	4	45'	.26



The 50 market rate townhouses proposed on the southern 17.03-acre parcel would be permitted under the R-MF-SCH – Residential Multifamily Senior Citizen Housing district floating zone provisions to allow for the development of age restricted senior citizen housing on this parcel. As established in § 355-27(B), seven standards must be met in order for a parcel to be rezoned to R-MF-SCH, which are summarized as follows:

**1. *The site must be served by public sewer and water:***

The Project Site is located in Water District 4 and Sewer District 2. This standard is met.

**2. *The FAR (based upon “net lot area”) shall range between 0.15 and 0.4:***

The 50 proposed townhouses vary in square footage, depending in the model and amenities selected. For the purposes of this analysis, the FAR has been calculated by utilizing a typical townhome footprint of 2,800 square feet per unit. Following this approach, the site FAR would be 0.18 which falls within the range established for the R-MF-SCH district.

**3. *The dwelling units shall contain no fewer than one bedroom nor more than two bedrooms.***

All of the townhouses would contain two bedrooms with office or den.

**4. *The minimum floor area for the dwelling units shall be no less than 800 square feet for one-bedroom units and 1,000 square feet for two-bedroom units.***

No one-bedroom units are proposed. The proposed 2-bedroom units would be 2,800 square feet in gross floor area.

**5. *Affordable affirmatively furthering fair housing (AFFH) units shall be provided pursuant to § 355-24(I).***

The 5 AFFH units required for the townhouse parcel pursuant to §355-24I are proposed within the multi-family condominium building located on the northern parcel. The location of the AFFH units on the adjacent multi-family condominium parcel is permitted in accordance with § 355-24(I)(5)(c).

**6. *All dwelling units shall be designed to be conducive to, and attractive for, occupancy by seniors.***

The townhouse designs offer options that provide for first-floor master bedroom suites and include handicapped accessible amenities, in accordance with the homeowner’s choice of options. All units will be handicapped adaptable.

**7. All design considerations, as required in multifamily residence districts pursuant to § 355-24(G) shall be applicable, except for the enclosed parking requirement.**

The FEIS Plan has incorporated the design considerations of § 355-24(G) by specifically providing for a robust landscaping plan to ensure visual privacy between units, solid construction with high levels of insulation within party walls to limit sound transmission, limiting living space to two-full floors (although a half story is proposed) and limiting the encroachment of porches, stairs and decks.

In accordance with the § 355-21 Schedule of Residence District Regulations, the only established dimensional regulations relate to building height (2.5 stories/30 feet) which would be complied with by the Proposed Action. All other dimensional regulations are “to be determined by the Town Board at the time of zoning approval.”

The Town Board finds that it is necessary to modify the R-MF-SCH setback provisions as well as the OB-H setbacks to add additional specificity with respect to setbacks from State Roads, Private Roads and Parks as described in the modified draft local law dated May 6, 2021 under consideration by the Town Board.

In addition, the Town Board finds that development in this R-MF-SCH zone shall be limited to groups of two-attached dwellings.

Furthermore, the Town Board finds that development in this R-MF-SCH zone shall require that each group of two-attached dwellings shall not be closer than 30 feet to another group of two-attached dwellings.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

**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, 109 dwelling units are proposed, requiring that 11 units meet AFFH requirements. In the 59-unit condominium apartment building, nine of the two-bedroom units and two of the one-bedroom units would comply with the AFFH requirements.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, the number of residential units reduces the AFFH requirement from 11 units to 8 units.

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.

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.

***FINDING.*** *The Town 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. The Town Board finds that a full-service hotel would not be reasonably economically viable at this location, and that supplemental uses are necessary to support the proposed development of a boutique hotel, which requires the*

*subdivision of the Project Site. Modifications to the OBH zoning district are necessary and appropriate to facilitate the additional uses and allow for the development of the smaller subdivided parcels. These zoning modifications are appropriate, and would only affect this parcel, and no other properties in the Town of North Castle. The Town Board finds that no significant adverse land use or zoning impacts will result from the Proposed Action.*

*However, the Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.*

*Based upon the Hotel/72 Unit Senior Townhouse plan, the number of residential units reduces the AFFH requirement from 11 units to 8 units.*

## **5.2 GEOLOGY AND SOILS**

The soil and geologic conditions on the Site are typical of the area. The depth to bedrock throughout the Site is variable, ranging from exposed surface rock outcroppings to over 11' deep. As shown on the Grading Plan (Figure IV.B-7), modifications to the existing topography of the Site will be necessary to accommodate the Proposed Action. It is likely that this activity will necessitate rock removal.

Based upon site investigations and proposed site grading, completely weathered rock and intact bedrock will likely be encountered during site excavation. The degree of penetration into the bedrock with excavation equipment will depend on the composition of the rock, the degree of weathering and fracturing of the rock itself. A hydraulic hammer will be used to mechanically remove rock. Should this method prove infeasible, blasting would be performed in accordance with all federal, state and town codes (Town of North Castle Code, Chapter 122 Blasting, Explosives and Chipping). The resultant shot or ripped rock will be re-used on-site if possible, or removed off-site as specified in the construction management plan. If the rock that is removed is of suitable volume and composition, it may be able to be processed on-site and used as crushed stone in base layers below buildings and roadways.

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 majority of the Site's soils are classified as Charlton-Chatfield Complex, and do not present any severe development limitations. Preliminary soil testing was carried out in August of 2018, which did not encounter groundwater and revealed acceptable permeability rates. These parameters will be incorporated into the applicable calculations in the SWPPP.

An Erosion and Sediment Control Plan has been developed to mitigate short-term construction related impacts. This plan, which will be included with the Site Plan and SWPPP, addresses land grading, topsoiling, temporary vegetative cover, permanent vegetative cover, mulching and erosion checks. A continuing maintenance program will be implemented for the control of sediment transport and erosion after construction and throughout the useful life of the Proposed Action.

***FINDING.*** *The Town Board finds that the implementation of the mitigation measures described above represents the best available technologies and practices to ensure that any impacts to the Site's soils or geologic resources are minimized to the maximum extent practicable. Subject to the implementation of these mitigation measures, no significant adverse impacts to the Site's geology or soils will result from the Proposed Action.*

### **5.3 TOPOGRAPHY & SLOPES**

In response to concerns about the extent of excavation necessary to develop the plan presented in the DEIS, the Proposed Action would disturb approximately 19.1 acres or 58.7% of the Site and encroaches into 1.7 acres of steep slopes in excess of 25%. Approximately 2,555 cubic yards of excavation is now required compared to the 51,400 cubic yards required for the plan presented in the DEIS. It is acknowledged that some of the required excavation may involve rock removal. The 2,555 cy represents the excess excavation after all site fill is in place. It's the volume which would need to be removed from the project site. It is estimated that the project will require 107,875 CY of excavation and 105,320 cy of fill, which the difference amounts to the 2,555 cy. Also it is estimated that 29,976 cy of the excavation will be bedrock.

While some of the 2,555 cubic yards of excavated materials may be processed on-site and reused as fill, for the purposes of this analysis, it is assumed that all 2,555 cubic yards would be exported. Utilizing haul trucks with a 16 cubic yard capacity, approximately 160 truck trips would be required to remove this excess material, which will be exported in accordance with all applicable regulations to a suitable location(s). It is projected that the build-out of the Proposed Action will extend over a two-year period, and that material will be exported as the project progresses over the course of that time. This translates into less than one truck trip per week.

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.

Minimizing impacts to steep slopes has been a primary consideration in the design, layout, and configuration of the Proposed Action. Unavoidable encroachments into approximately 1.7 acres of regulated steep slopes will result requiring the issuance of a steep slope disturbance permit as required by Town Code. Construction related impacts to steep slopes will be mitigated by implementing best management practices and installing and maintaining erosion and sediment control measures. The permanent stabilization of disturbed steep slopes will be accomplished through the installation of retaining walls (as needed) and proposed revegetation and landscaping.

The following measures have been taken:

- The Proposed Action limits has been designed so that there is a zero increase in the rate of stormwater runoff from the Site.
- No terracing is proposed and the buildings and associated site improvements have been designed to be built into the hillside where applicable in order to minimize slope disturbances.
- The proposed roadway and driveways have been designed to follow the natural topography of the Site to the greatest extent possible. Temporary erosion controls (silt fencing, etc.) and permanent erosion controls (engineered slopes, lawn areas, etc.) will be utilized to minimize potential erosion.
- The Proposed Action proposes grading that blends into and generally relates to the natural contours of the Site. Retaining walls, building walls and/or rock cuts are proposed in areas to accomplish the site design and to create easily maintained and erosion resistant stabilized slopes.

- Cuts and fills are to be rounded off to eliminate sharp angles at the top, bottom and sides of regraded slopes.
- The angle of cut and fill slopes will not exceed a slope of one vertical to two horizontal, except where retaining walls, structural stabilization or other engineering methods acceptable to the Town Engineer are employed.
- The tops and bottoms of cut and fill slopes shall be set back from all structures an adequate distance to ensure the safety of the structures in the event of the collapse of the slope. Generally, this distance shall be six feet plus  $\frac{1}{2}$  the height of the cut or fill.
- Disturbance to slopes shall be undertaken in workable units to avoid long periods when slopes are exposed and bare.
- Existing ground cover will not be cleared and grubbed more than 15 days prior to grading and construction.
- Temporary soil stabilization, including if appropriate, temporary stabilization measures such as netting or mulching to secure soils during the grow-in period, shall be applied to areas of disturbance within two days of establishing the final grade, and permanent stabilization shall be applied within 15 days of establishing the final grade.
- All proposed disturbances to slopes shall be undertaken with consideration of the engineering limitations of the ChD - Charlton Loam – 15 to 25 percent slopes, CrC – Charlton-Chatfield Complex, rolling, very rocky, CsD – Charlton-Chatfield Complex, hilly, very rocky, RdA – Ridgebury Loam, 0 to 3 percent slopes and Ub – Uorthents, smoothed soil units.
- Topsoil removed from areas of disturbance shall be stockpiled for re-use and stabilized in a manner to minimize erosion and sedimentation. No stockpiles shall be placed on slopes greater than 10%.
- All fill materials will be properly compacted.
- Erosion and sedimentation measures shall conform to the Westchester County Soil and Water Conservation District's "Best Management Practices Manual for Erosion and Sediment Control" and the NYSDEC's "Guidelines for Urban Erosion

and Sediment Control” as amended, or its equivalent satisfactory to the Planning Board and Town Consulting Engineer.

Additionally, the following specific temporary measures, as documented in the SWPPP, are proposed:

Anti-Tracking Pad – Anti-Tracking Pads shall be installed at all construction entrances. The purpose of the Anti-Tracking Pad shall be to dislodge mud, dirt, and debris from construction vehicles prior to these vehicles leaving the construction site. This will ensure the existing roadways are kept clear of sediment. Locations and details of the Anti-Tracking Pad shall be documented on the Site Plan and associated construction documents.

Silt Fence – Silt Fencing consists of a fabric barrier between supporting stakes or posts usually made of wood. The fabric is proposed to capture suspended sediments from construction runoff and also decreases the velocity of the runoff to protect off-site areas. The proposed location of the silt fence and installation details shall be shown on the Site Plan and associated construction documents.

Haybales – Haybales are used in a variety of erosion control devices. At the top of an excavation, haybales are used to spread out concentrated flow to prevent erosion. Haybales are used in conjunction with silt fence to add additional protection to sensitive areas such as wetlands and water bodies. Haybales are also used in conjunction with Silt Fence to protect surrounding areas from soil stockpile erosion. The proposed location of the haybales shall be shown on the Site Plan and associated construction documents.

Inlet Protection – Inlet protection is used to filter runoff from non-stabilized construction sites prior to this runoff entering the drainage system.

Temporary Sediment Trap – Temporary Sediment Traps are small ponding basins constructed by excavation or embankment used to intercept sediment laden runoff. The sediment trap protects waterways, properties, and right-of-ways below the sediment trap.

Toward the completion of construction, permanent sediment and erosion control and stormwater quality and quantity measures will be implemented for long-term erosion protection and water quality and quantity enhancement. The following permanent control measures are proposed:



Green Roof – A green roof is proposed, planted with sedum.

Catch Basins – Used to remove coarse sand and grit sediment before entering the drainage system. Each catch basin will include a minimum of an 18” sump.

Infiltration Basins – Used to treat the runoff volume generated by the developed area and new impervious surfaces and to provide improved water quality. Runoff volumes from storms are retained and released gradually.

Detention Basins - Provide water quality pre-treatment by separating out sediment, debris, floatable, etc. from the runoff stream prior to discharge into the various stormwater management practices.

Rain Gardens – Improve water quality through stormwater absorption through planted depressions.

Rip-Rap Energy Dissipaters – At stormwater discharge point, rip-rap pads consisting of large rocks, will be installed to dissipate velocity and reduce erosion.

Seeding - All areas of disturbance, not otherwise developed, improved or landscaped, will be seeded and mulched to form a permanent uniform erosion resistant surface.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, the project would reduce the amount of proposed earth cut from 2,555 cubic yards to 1,443 cubic yards and reduce the amount of Town-regulated steep slope disturbance from 1.7 acres to 1.0 acres.

***FINDING.*** *The Town Board finds that, subject to the implementation of the mitigation measures described above, no significant adverse impacts to the Site’s topography or slopes will result from the Proposed Action. Any on-site rock processing shall require review and approval by the Planning Board. 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.*

#### **5.4 VEGETATION AND WILDLIFE**

The Site is comprised of wooded hillside along the northern and eastern portion of the Site, and an open field in the upper portion of the Site that was formerly an orchard. The Proposed Action will disturb approximately 19.1 acres of the 32.5-acre Site (58.8%). Of this disturbance, 7.8 acres will be devoted to buildings, driveways, walkways and other paved surfaces.

The Proposed Action requires the removal of approximately 658 trees of the 1,524 trees present on the Site in excess of 8" dbh. Of the trees that would be removed from the Site, few predate the previous orchard use. The balance were planted or have grown as pioneering species after the 1960's.

The Proposed Action will have no impact on any rare plants or significant natural habitats on the Site or in the vicinity and the ecological communities on the Site and their availability as habitat for local and migratory species of wildlife will not be adversely impacted by the Proposed Action.

During the site clearing and construction phases of the Proposed Action, it is expected that some of the smaller, less mobile or juveniles of some wildlife species would be impacted. However, the majority of the species that utilize the Site are more mobile and would be able to avoid conflicts or injury. Displaced species are expected to relocate to adjacent contiguous areas of similar habitat. The consequence of this displacement and emigration will be increased competition for resources within the adjacent habitats. This will likely result in comparatively minor decreases in some wildlife populations until equilibrium between populations and available resources is achieved.

The Proposed Action provides an approximately 16 acre unfragmented wildlife corridor extending the entire length of the Site. This corridor ranges between 170 feet and 510 feet in width and extends for approximately 2,400 feet.

According to the New York State Natural Heritage Database, and as documented in the DEIS, the oak-tulip tree forest ecological community identified on the Site is classified as "secure globally" but is "vulnerable" in New York State simply because Westchester County represents the northern edge of its range. Climate change is "improving" this edge vulnerability, as the range of southern species extends northward due to warmer temperatures. In fact, the oak-tulip tree forest ecological community is relatively common within the Manhattan Hills and Hudson Highlands Ecozones.

The lack of tulip trees as the dominate species on the Site suggests that the ecological community would be more aptly defined as a “mixed mesophotic forest.”

The edge of this ecological community was difficult to accurately define due to the extensive prior clearing of the Site to accommodate agricultural practices and the more recent orchard use. So, the edge of the community is fragmented and discontinuous. A very conservative mapping boundary was used in the DEIS for illustrative purposes.

This ecological community becomes more cohesive from the edge of the small wetland at the southeast corner of the Site, and moving to the south off the Project Site, where there is no evidence of prior clearing, and this ecological community is more intact.

Under the plan presented in the DEIS approximately 5.3 acres of the 9.2-acre area classified as oak-tulip tree forest ecological community would have been disturbed. Under the Proposed Action, the grading for the stormwater basins and the corner of the condominium building would disturb under an acre of the oak-tulip tree forest ecological community and fewer than 20 trees with a dbh 6” or greater would be removed. No large specimen trees are included in this area, and none of the trees are either oaks or tulips. As documented on the historical aerial photographs included in the DEIS, this area was previously cleared and part of the prior agricultural and orchard use. As this area to be disturbed is separated from the larger, in-tact oak-tulip tree forest ecological community which extends to the south by the on-site wetland area, and was previously cleared, the integrity of the oak-tulip tree forest ecological community in this area is marginal, at best.

The Proposed Action preserves the on-site wetland and surrounding wetland buffer which is prime habitat for many wildlife species, as well as virtually all of existing vegetation around the perimeter of the Site. In total, 24.7 acres of open space will remain or be restored on the Site. Moreover, the Landscaping Plan prepared to support the Proposed Action involves the reintroduction of new vegetation that will serve as new habitat for certain species. It is therefore likely that some of the species that were displaced during the construction phase of the Project, will re-inhabit the Site after the completion of construction.

While the Site is located within the range of the threatened Northern Long-Eared Bat, the on-site habitat is not conducive to support this species, and no observations of this mammal have been recorded near the Site.

While the Site supports the successional old-field ecological community, the specific habitat characteristics for the Eastern Meadowlark and Bobolink are not present on the Site, and no physical evidence of either species was observed.

To compensate for the loss of vegetation, a new Landscaping Plan is proposed. This plan includes extensive new plantings in features such as the village commons (coneflower, joe pye weed, switchgrass) linear greenway (black-eyed susan, coneflower, butterfly weed, aster, liatris, goldenrod), residential streetscape (American elm, sugar maple, red oak), woodland edge (switchgrass, little bluestem, chokeberry, nanny berry, viburnum, grey dogwood, flowering dogwood, redbud), hotel plantings (river birch, serviceberry), and meadow (willows, white oak, sycamore). The plant materials selected for the Landscaping Plan consist primarily of native species that are consistent with the existing on-site ecological communities. Where possible, remnant apple trees from the former orchard will be preserved and incorporated into the Landscaping Plan.

During the staking of the limit of disturbance, an assessment will be conducted to determine if modifications to grades or other measures (such as the use of tree wells) can be employed conserve additional trees.

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.

To minimize the reestablishment of invasive species, manual removal and off-site legal disposal of invasive plants, invasive plant tissues, roots, rhizomes, vines and fruit/seeds would be undertaken.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, the project would increase the proposed area of disturbance from 19.1 acres to 19.6 acres, reduce the amount of

proposed earth cut from 2,555 cubic yards to 1,443 cubic yards and reduce tree removal from 658 trees to 564 trees.

**FINDING.** *The Town Board finds that the majority of the Site has been extensively disturbed to accommodate prior agricultural uses, including the installation of a large orchard in the 1920's when the Site was used as a private estate. During the 1960's IBM ceased to maintain the orchard, and the Site began reverting to the ecological communities present today. No rare, threatened or endangered species of plants or animals are present on the Site. A fragment of the oak-tulip ecological community is present in the southeast corner of the Site which will remain largely intact; however, the Planning Board, during site plan review, shall preserve this oak-tulip forest to the maximum extent practicable. While the Hotel/72 Unit Senior Townhouse plan will disturb approximately 19.6 acres of the 32.5-acre Site, and require the removal of approximately 564 trees of the 1,524 trees present on the Site in excess of 8" dbh, few predate the previous orchard use. The balance were planted or have grown as pioneering species after the 1960's. The Town Board finds that tree removal is reasonably necessary to accommodate the Proposed Action and that the proposed Landscaping Plan, consisting primarily of native species, will result in the development of a beneficial, robust and diverse ecological landscape. No significant adverse vegetation or wildlife impacts are anticipated.*

## **5.5 WETLANDS:**

An approximately 0.6-acre disturbed hill side seep wetland was identified in the southeast corner of the Site. A headwall discharges drainage into this area, which creates hydrologic conditions favorable to the formation of the wetland area. The presence of RdA – Ridgebury loam/Aquents soils further served to define the wetland boundary. This wetland area extends off-site to the south and east.

The Proposed Action will not result in any direct impacts or disturbances to the locally regulated wetland, or within the 100' regulated wetland buffer, or the larger 150' wetland buffer required in instances within a regulated steep slope.

**FINDING.** *The Town Board finds that no impacts to the on-site wetland or surrounding wetland buffer will result from the Proposed Action.*

## **5.6 STORMWATER MANAGEMENT**

The Proposed Action will result in the creation of 7.8 acres of new impervious surfaces. A stormwater management plan for the Proposed Action has been developed in

accordance with the “Five Step Process for Stormwater Site Planning and Practice Selection” set forth in the New York State Stormwater Management Design Manual.

The stormwater management plan for the Proposed Action addresses water quality and volume, point and non-point source pollution, runoff reduction volume, channel protection volume, overbank flood protection, extreme flood protection, temporary erosion control measures, construction sequencing and maintenance.

Proposed stormwater practices include detention basins, subsurface infiltration devices, catch basins and manholes, hydrodynamic separators, sediment traps, rain gardens, permeable pavement among other measures, including a green roof which is under consideration. Additionally, the project has been phased to ensure that less than 5 acres of the Site is under construction at any one time.

The following temporary erosion control devices proposed on the Proposed Action:

Anti-Tracking Pad – Anti-Tracking Pads shall be installed at all construction entrances. The purpose of the Anti-Tracking Pad shall be to dislodge mud, dirt, and debris from construction vehicles prior to these vehicles leaving the construction site. This will ensure the existing roadways are kept clear of sediment. Locations and details of the Anti-Tracking Pad are shown on the plans.

Silt Fence – Silt Fencing consists of a fabric barrier between supporting stakes or posts usually made of wood. The fabric is proposed to capture suspended sediments from construction runoff and also decreases the velocity of the runoff to protect off-site areas. The proposed location of the silt fence is shown on the plans along with details for installing the silt fence.

Haybales – Haybales are used in a variety of erosion control devices. At the top of an excavation, haybales are used to spread out concentrated flow to prevent erosion. Haybales are used in conjunction with silt fence to add additional protection to sensitive areas such as wetlands and water bodies. Haybales are also used in conjunction with Silt Fence to protect surrounding areas from soil stockpile erosion. The proposed location of the haybales is shown on the plans along with details.

Inlet protection – Inlet protection is used to filter runoff from non-stabilized construction sites prior to this runoff entering the drainage system.

Temporary Sediment Trap – Temporary Sediment Traps are small ponding basins constructed by excavation or embankment used to intercept sediment laden runoff. The sediment trap protects waterways, properties, and rights-of-way below the sediment trap.

Temporary Sediment Traps shall be inspected prior to significant rainfall and inspected and cleaned if needed after significant rainfall. The sediment trap shall be cleaned and sediment removed when sediment reaches 1/2 the design depth.

The proposed permanent stormwater management device maintenance schedule is as follows:

- Hydrodynamic separator devices shall be inspected biannually and cleaned out as per manufacturers' instructions.
- The green roof maintenance is per 'Carlisle' green roofs planted with Sedum. Access to the roof is from the interior of the buildings.
- All catch basins/drain inlets/drain manholes shall be inspected and cleaned biannually. These structures should also be inspected weekly during construction and after significant rainfall.
- The subsurface infiltration systems shall be inspected annually through observation ports.
- Stormwater Basins Detention ponds should be inspected after major storm events and semi-annually. During the inspections, the following should be checked:
  - Clogging of outlet structure.
  - Erosion on the embankment/berm.
  - Condition of the emergency spillway.
  - Accumulation of sediment around the outlet structure.
  - Erosion of the basin bed and banks.
  - Sources of erosion in the contributory drainage, which should be stabilized.
  - Sediment removal in the forebay shall occur every five to six years or after 50% of total forebay capacity has been lost.
  - If any trash has made its way to the pond, it shall be cleaned out and disposed of in a lawful manor.
  - Grass should be cut at a minimum twice a year.

- Dead/Diseased plants shall be removed and disposed of in a lawful manor. Replacement plants shall be of the same type and size as initially planted.
  - No herbicides, pesticides, or fertilizers should be used in or near the ponds.
- Rain garden maintenance may include the occasional replacement of plants, mulching, weeding and thinning to maintain the desired appearance. Weeding and watering are essential the first year, and can be minimized with the use of a weed-free mulch layer. Once the rain garden has matured, the garden area should be free of bare areas except where stepping stones are located. Inspection for sediment accumulations or heavy organic matter where runoff enters the garden and remove as necessary. The top few inches of planting soil should be removed and replaced when water ponds for more than 48 hours.

Potential pollutants during construction are sediment laden stormwater runoff, litter, and construction fluids/chemical spills. During construction, the sediment laden runoff will be trapped or filtered through the silt fence and other erosion control devices prior to being discharged. The construction litter will be cleaned on a daily basis and disposed of in a lawful manor. The storage of any construction fluids or chemicals will be within water tight containers suitable for storage and will not be exposed to the elements.

During the construction phase, the trained contractor shall be responsible for erosion and sediment control device maintenance and pollution prevention measures. The trained contractor shall also be responsible for maintenance of the permanent drainage structures during construction and to ensure protection of the subsurface infiltration system areas. The trained contractor shall inspect the erosion control devices daily to ensure they are in effective operating condition.

The qualified inspector shall conduct site inspections at least once every seven (7) calendar days while soil disturbance activities are on-going. If soil disturbance activities are suspended, inspections shall occur under the guidelines of the Town of North Castle.

The adequate installation of all stormwater facilities shall be insured via the posting of a performance bond, cash escrow or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the Proposed Action and names the Town of North Castle as the beneficiary. The security shall be in an amount to be determined by the Town of North Castle based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by



the Town of North Castle, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has (have) been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Town of North Castle.

After construction, the maintenance of the stormwater mitigating devices shall be the responsibility of the managing entity for the townhouse development and the managing entity of the hotel and apartment site. An irrevocable letter of credit from an approved financial institution or surety will be posted to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction and until the facilities are removed from operation. If the managing entity fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Town of North Castle may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

The use of fertilizers, pesticides and fungicides will be minimized to the extent practical at the Eagle Ridge Site. Landscape maintenance guidelines will be developed during the site plan approval process for the Proposed Action which maintain the design intent and enhances the overall ecological health and habitat value of planted areas. Fertilizers will only be applied as a result of soil testing that indicate a need for it. A large majority of the plants and meadows as proposed are considered native and provide multiple benefits to people and wildlife. In addition to requiring less fertilizers and less watering, native plants need little or no pesticides since they have adapted to local conditions and are thus more resistant than non-natives to pest problems.

An integrated pest management program (IPM) will be implemented which focuses on long term prevention of potential pests and subsequent damage. IPM is a landscape management system that utilizes all suitable techniques (mechanical, biological and judicious use of pesticides) and information to reduce pest problems while providing protection against humans, animals and the environment. The use of chemical pesticides and fungicides will be used as a last resort and only applied by a certified applicator. Organic and non-toxic formulations will be utilized as well as spot treatments to minimize impacts to the surrounding ecosystem.

*Permanent Stormwater Management Devices:*

The proposed stormwater mitigation practices have been sized according to the New York State Department of Environmental Conservation Stormwater Design Manual (Stormwater Design Manual). The Project is a mixed-use development that is proposed

to disturb more than 1 acre, therefore the Stormwater Pollution Prevention Plan must incorporate Water Quality treatment features as well as Water Quantity control features.

After construction, in the post development stage, potential pollutants can be increased in runoff rates as well as suspended sediment and elevated nutrient levels within the runoff. The increase in runoff rates is mitigated by the combined use of the stormwater practices located throughout the Site, namely the subsurface infiltration systems, the stormwater ponds, and the green roof. The increase in suspended sediment and elevated nutrients are mitigated by the subsurface infiltration systems, the infiltration pond, the extended detention pond, the green roof, the hydrodynamic separators, and the sumps in all the drain inlets and catch basins. By meeting NYSDEC Water Quality criteria and Runoff Reduction Volume criteria the pollutants of concern will be mitigated.

The proper installation of all stormwater and erosion control measures would be ensured through an inspection fee, and the posting of a performance bond, letter of credit or some other form of financial assurance suitable to the Town. As the developer of the project, the Applicant would be responsible for any code or environmental violations resulting from construction related activities.

Based on the analysis in the Stormwater Pollution Prevention Plan, the stormwater management practices proposed will adequately treat the runoff leaving the Site in regard to water quality. In addition, the proposed stormwater practices will control runoff quantities to ensure no adverse effects due to stormwater as a result of the proposed development.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, the project would increase impervious areas from 7.8 acres to 11.97 acres.

***FINDING.*** *The Town Board finds that the Project has been designed to meet the requirements of the New York State Department of Environmental Conservation (“NYSDEC”) State Pollution Discharge Elimination System (“SPDES”) General Permit*

*for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit No. GP-0-150-003, conforms to the substantive requirements of the NYSDEC SPDES General Permit for Construction Activities, Permit No. GP-0-150-002, minimizes increases in stormwater runoff from the development of the Site in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels; minimizes increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality; minimizes the total annual volume of stormwater runoff which flows from the Site during and following development to the maximum extent practicable; and reduces stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and ensure that these management practices are properly maintained and eliminate threats to public safety. No significant adverse stormwater impacts are anticipated.*

## **5.7 UTILITIES**

The Project Site is located in Water District 4 and Sewer District 2. The Proposed Action, consisting of the 115-room hotel with amenities, 59-unit multi-family condominium building and 50 townhouses, will result in a water demand of 34,980 gpd. Water service will be brought into the Site via a connection to the existing watermain located at the intersection of Route 22 and Business Park Drive. To further mitigate the Proposed Action's water consumption, the Applicant is committed to employing environmentally responsible green building techniques such as the use of water efficient fixtures and appliances. An irrigation strategy will be developed during the site plan review stage that includes measures such as harvesting rainwater to reduce the demand on the public water supply, utilizing plant species that require less water, reducing areas that require irrigation and utilizing smart meters for sprinkler systems.

This volume, combined with the 120,190 gpd of cumulative water volume projected from other pending developments also seeking to draw water from Water District 4, would result in a water deficit for the District. The Town is in the process of expanding the capacity of Water District 4 to meet this increased demand through the installation of additional wells at the wastewater treatment plant site off Business Park Drive. Working with the Town the Applicant has acquired the property located at 125 Business Park Drive, which has a well that produces 115 gpm. Upon receipt of all necessary approvals for the project, the Applicant intends to enter into a Community Benefits Agreement ("CBA") with the Town of North Castle. Part of the CBA will include the applicant donating 125 Business Park Drive to the Town of North Castle. This will more than offset the Proposed Action's water demand, and will contribute to addressing the water deficiency in the District.

The Proposed Action will result in a sanitary sewage flow of 34,980 gpd. Sanitary sewage will be accommodated through a connection to the sewer line located within the easement along the eastern edge of the Site. When the Applicant purchased the Site from IBM, a reserve sanitary sewage capacity of 35,000 gpd was also transferred. As stated above, the Proposed Action will result in a sewage flow of 34,980 gpd, which is within the 35,000 gpd capacity allocated to the site. Accordingly, the sewage flow associated with the Propose Action can be accommodated.

The Applicant will also work with the Town to meet the 3:1 inflow and infiltration (I&I) objective, in accordance with the requirements of Westchester County. The Applicant and the Project Engineer will meet with the Town Consulting Engineer during the site plan approval process to determine how I&I projects can be identified and who will conduct the work and in what timeframe. If specific projects cannot be identified, a process whereby the Applicant places funds into a dedicated account for I&I work based on a per gallon cost of removal of flow through I&I is an alternative option.

In addition to various green building practices incorporated into the new buildings and site improvements, during the site plan review process, the Applicant will explore options to incorporate rooftop mounted photovoltaic solar panels and installing electric vehicle charging stations within the hotel parking area.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, the project would reduce water usage from 34,980 gpd to 27,750 gpd and reduce waste water from 34,980 gpd to 27,750 gpd.

***FINDING.*** *The Town Board finds that the additional well capacity provided by the acquisition of 125 Business Park Drive will provide adequate water capacity for the Proposed Action. The surplus sewage capacity purchased from IBM is adequate to accommodate the Proposed Action's wastewater generation. No adverse utility impacts are anticipated.*

## **5.8 TRAFFIC & TRANSPORTATION**

The Proposed Action will result in the generation of a total of 104 AM peak hour vehicle trips and 130 PM peak hour vehicle trips (combined inbound and outbound). The Level of Service delays experienced under future No-Build and future Build Conditions are similar. No significant degradations in Levels of Service would result from the FEIS Plan.

Based on a review of the accident data and based on the anticipated traffic generation for the Eagle Ridge development, it is expected that the Proposed Action will not have a significant impact on the accident rates on the area roadways.

The proposed shared entrance drive provides access to the northern hotel and multi-family condominium building parcel as well as the southern townhouse parcel. It includes one entry lane and one exit lanes to accommodate vehicles. A proposed school bus stop will be located in the townhouse development. The Applicant will work with IBM to provide the Town with an easement of dedication over North Castle Drive, a private road owned by IBM, so that the public-school busses can access the Site.

There are three locations at which existing site access will be closed. Two points are adjacent to the existing security building, and the other is on the south side of the Site adjacent to the existing IBM parking lot.

The Applicant 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 Applicant understands that a Community Benefit Agreement will be established to financially assist the Town in implementing long-term parking solutions, and agrees to contribute a proportional fair share to this agreement.

During the site plan review phase, the Applicant will identify appropriate locations for secure bicycle storage and bicycle racks within the development.

While the Applicant is eager to create a pedestrian connection to Community Park, direct access from the Site to the Park is expressly prohibited in the property deed. The Applicant has made a specific request to modify this restriction to allow direct access to the Park to the controlling interest in this restriction; the Armonk Business Center LLC. This request has been refused. The Applicant is willing to continue to explore all opportunities to create direct access to the Park.

The NYSDOT has expressed concerns over the viability of a pedestrian connection across Route 22. A shuttle bus is proposed from the hotel to the hamlet and other relevant destinations in the area. The Applicant will continue to explore options to create a viable, safe pedestrian connection between the Site and the Hamlet.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, the project would reduce peak hour traffic from 104 AM trips to 87 AM trips and from 130 PM trips to 109 PM trips.

***FINDING.*** *The Town Board finds that the volume of traffic generated by the Proposed Action will not result in any significant degradation in the Levels-of-Service at surrounding intersections, or in the operating conditions of area roadways. Access to the Site and the supply of off-street parking meets the applicable standards and requirements of the Town.*

*The Applicant shall explore the feasibility of creating a pedestrian link from the existing Armonk hamlet sidewalk network to the proposed hotel and townhouse development that includes the construction of necessary sidewalks and a crosswalk across NYS Route 22 to the satisfaction of the Planning Board.*

*The Applicant is willing to contribute to a Community Benefit Agreement to provide additional parking in the Hamlet. It is therefore concluded that no significant adverse traffic or transportation impacts will result from the Proposed Action.*

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

The Site can be generally characterized as the eastern side of an oval shaped elongated hill that rises up from the Route 22/North Castle Drive/Main Street intersection, to the original IBM headquarters building located south of the Site. Rock outcroppings are present, particularly around the edges of the hill. The northern and eastern portions of the Site are wooded and the upper portion of the site is primarily an open field. The majority of the Site was an orchard prior to its purchase by IBM, with the exception of

the southeast corner of the Site which is a remnant woodland. A small wetland is located in this area, which will remain undisturbed.

The Proposed Action will involve the disturbance and clearing of 19.1 acres (58.7%) of the 32.5-acre property. This includes the removal of approximately 658 of the 1,524 trees over 8" dbh (43.2%). The proposed development of a 4-story hotel building, and adjacent 4-story multi-family condominium building, associated parking and site amenities, and the adjacent development of 50 townhouses, will alter the visual characteristics of the Site.

The Proposed Action includes modifications to the OBH district's dimensional regulations that would increase the maximum allowable building height from 3 stories to 4 stories, but would still be compliant with the existing 45' height limitation, reduce the minimum lot area and yard setbacks and increase the coverage and FAR requirements. All of these modifications are the necessary result of the need to subdivide the Site, thereby reducing the size of the parcel to be developed.

Public views of the Project Site are fairly limited, and exist primarily from Community Park and at the North Castle Drive/Route 22 intersection. The existing views consist of a wooded hillside, with no structures or visible site improvements. Development of the Site would involve clearing and grading the center and southern portion of the Site, which is the portion of the Site least visible from the two primary public viewpoints. The majority of the northern portion of the Site would remain in its current wooded condition and would be enhanced by supplemental buffer landscaping. The most abrupt visual change would be from a vacant wooded site, to a cleared, graded and developed site.

The visual impact created by Eagle Ridge will be of partial views of the top portions of the hotel, the multi-family condominium building and the 50 adjacent townhouses. These buildings reflect well designed, architecturally significant, and contextually appropriate buildings. The presence of these buildings would not diminish the public's enjoyment of any activities occurring within Community Park, which is a public park used primarily for active recreation.

The Proposed Action also proposes new site lighting that will afford safety, facilitate circulation and wayfinding. All lighting will be Town Code and Dark Sky compliant, shielded, downward directed and will be designed to provide appropriate levels of illumination. Illumination levels along the perimeter of the Site will not exceed 0.5 footcandle.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, the project would not change the maximum permitted height of three stories and 45 feet in the OB-H Zoning District.

***FINDING.*** *The Town Board finds that the Proposed Action will change the visual character of the Site from a vacant undeveloped property to a developed site supporting a new mixed-use community. While public views of the Project Site are fairly limited, and exist primarily from Community Park and at the North Castle Drive/Route 22 intersection, the Lead Agency finds that the Planning Board should further evaluate visual impacts and reduce visual impacts to the maximum extent practicable utilizing site design techniques and landscaping. After Planning Board and Architectural Review Board review, the new buildings will be well-designed and contextually appropriate and will not significantly block, interrupt or interfere with any scenic views. While partially visible from Community Park, the Proposed Action will not diminish or interfere with the public's use and enjoyment of any activities occurring at the Park. The Town Board finds that no significant adverse visual or community character impacts will result from the Proposed Action.*

## **5.10 COMMUNITY FACILITIES & SERVICES**

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

The Proposed Action will result in a resident population of 228 individuals. This population is projected to generate approximately 22 school aged children. These children would be distributed among the various grades and would not enter the school system at the same time. Adding the new students generated by the Proposed Action will not exceed the peak enrollment levels experienced during the 2007-2008 academic year. The resulting impact on the Byram Hill School District will be relatively minor and will be offset by significant tax revenues which far exceed the educational costs of the new students.



The Proposed Action's demands on police, fire and EMS services would also be proportionally increased. The Proposed Action incorporates security measures associated with the hotel, condominium apartment building and townhouse development.

Hotel security measures will be implemented by the hotel management company selected and as a result may include procedures in addition to those outlined below:

1. Security camera system with monitoring and recording on a 24 hour a day, 7 day per week basis. Cameras shall cover substantially all of the publicly accessible areas and back of house areas. Areas monitored shall include all exterior doors, lobby level lounge, bar, restaurant, guestroom floors, kitchen areas, loading docks, housekeeping closets and laundry staging areas, parking garage and surface parking area.
2. Security guards will monitor the cameras and shall walk the entire building and the premises on a regular basis and more than once per day. Security guards will likely be employed by a third-party contract service but may be employed directly by the hotel management company.
3. Employee background checks and screening is expected to be completed to the extent allowable by law.
4. Group booking policies for guestrooms, meeting rooms, and any public spaces will include coordination with the management team and the security guards and security company so that any time that groups which may pose any level of heightened security risk shall be considered and extra monitoring or security may be available on site. Such extra security may include extra private or paid-for police presence in or around larger events which may assist with flow of traffic or movement of people within the building.
5. Front desk staff will receive extra security training to spot, identify, communicate potential issues to the manager on duty and as appropriate with law enforcement.
6. The hotel shall have a policy based on the policies and insurance coverage maintained by its management company which will require all hotel staff to enter into each occupied/rented guestroom at least once every 48 hours despite the existence of a "Do Not Disturb" customer request.

The condominium apartment building would likely include security cameras and restricted and secure access locations. Apartment residents shall have background checks performed to the extent allowable by law.

The potential installation of a gated entry will be addressed during the site plan review phase. If determined to be appropriate, residents would utilize an ez-pass type transponder, key card or fob to open the gate. Automatic access to the gate would be provided to all emergency service providers and in the case of a power outage, the gate would default to the open position.

The hotel and apartment buildings and parking garages will contain fire suppression sprinklers and will adhere to all local and state fire prevention codes. Standpipes will be installed in the stair towers, per code requirements. Knox boxes will be provided at the building lobby entrances in agreed upon locations with the Armonk Fire Department. Building elevators will be sized to accommodate a 24" x 84" stretcher.

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. 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. The real estate taxes generated by the Proposed Action will offset any increase in emergency service demands.

The Proposed Action will result in the generation of approximately .39 tons/day of solid waste. The hotel and apartment buildings will include trash disposal facilities, chutes, compactors and refuse enclosures. Refuse removal from the townhouse portion of the project will be accomplished through curbside pick-up. All solid waste and recycling generated at the Project Site will be removed via licensed private carters, and disposed of or recycled at licensed facilities. The Applicant will explore opportunities to implement on-site food composting for the restaurant and catering operations.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, the project would reduce the anticipated residential population from 228 people to 208 people.

***FINDING.*** *The Town Board finds that the Proposed Action will result in relatively minor proportional increases in the demand on community facilities and services. The Project has been designed to meet or exceed all fire code and safety measures. The additional school children projected to be generated by the Proposed Action can be accommodated within the existing excess capacity available within the Byram Hill School District. The taxes generated by the Proposed Action will offset the increased demand created by the development. No significant adverse impacts to community facilities or services are anticipated.*

#### **5.11 FISCAL IMPACTS**

It is the opinion of the Applicant that the most viable project represents a mixed-use residential development with an on-site limited-service hotel that caters to the upscale nature of the surrounding communities and provides a new neighborhood amenity for local residents. The Lead Agency hired its own consultant to review this assumption. The Town's consultant concluded that a hotel only development on the Site, given the areas construction costs, would not be economically viable.

The local corporate market does not warrant the addition of a large full-service hotel, but a void presently exists in serving the travel needs of local corporations' upper-level executives. A smaller, limited-service hotel would be well-positioned to fill this void and capture higher-rated demand that is currently being displaced to other hotels in the region. Furthermore, leisure demand in the market is not significant enough to sustain a larger hotel, particularly given the inferior nature of public transit options in North Castle and more difficult accessibility to New York City when compared to other areas of Westchester County. A smaller hotel could be sustained in non-corporate demand periods, however, by the social catering and events needs generated by the local affluent residents.

The residential housing market in North Castle continues to be healthy and growing without signs of pent-up demand or over supply. The Town's demographics are driving this market, particularly baby-boomers downsizing and who wish to remain in the community, as well as young people just entering the housing market. Multi-family condominiums and townhouses represent housing types particularly well suited to meet this demand. As much of the existing housing stock in Town is ageing, new construction will have a significant competitive market advantage. It is likely that the coronavirus,

COVID 19 pandemic will strengthen the suburban housing market, as city dwellers consider relocating to less densely populated areas, and as the benefits of working remotely from home become entrenched, both from the employee and employer perspective.

The Proposed Action will result in the generation of approximately \$2,872,000 in real estate taxes, including approximately \$478,000 in Town taxes.

In addition to real estate taxes, the hotel will generate hotel room occupancy taxes that go directly to the Town. The hotel's various food and beverage outlets will also generate sales taxes of 1.5% for Westchester County and 4% for New York State.

The Proposed Action will also produce direct, indirect and induced multiplier effect economic benefits that would ripple through the local economy, and would produce over \$5 million annually in direct household spending from new residents.

Eagle Ridge will create new full-time jobs at the hotel as well as significant construction employment.

Municipal costs associated with the Propose Action are limited, as all Site infrastructure will be privately owned and maintained. The project will result in a significant surplus of school taxes beyond the School District's education expenses associated with relatively small number of new school aged children generated by the Project.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, it is anticipated that the project will result in the generation of approximately \$1,768,000 in real estate taxes, including approximately \$310,000 in Town taxes. In addition, the Hotel/72 Unit Senior Townhouse plan, will also produce direct, indirect and induced multiplier effect economic benefits that would ripple through the local economy, and would produce over \$2.25 million annually in direct household spending from new residents.

**FINDING.** *Since the Proposed Project is anticipated to have positive fiscal impacts, and no mitigation measures proposed, the Town Board finds that the Proposed Action will not result in any adverse fiscal impacts.*

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

A Phase IA report submitted with the DEIS indicated that the Site was potentially sensitive for precontact and historic deposits. Phase IB testing was undertaken in April and May of 2019 by a team of four archaeologists. A total of 151 shovel tests (STs) were hand excavated on 15-meter interval transects and in judgmental locations. Of the STs excavated, none produced precontact material. One projectile point was found on the surface in a disturbed context immediately adjacent to the existing asphalt driveway that bisects the Site. A test pit placed where the point was found confirmed disturbed stratigraphy and encountered no additional precontact material. A surface scatter of 20<sup>th</sup> century material was encountered just east of the recovered projectile point. Shovel tests confirmed disturbance and the lack of any buried deposits.

In the opinion of Historical Perspectives, Inc, since virtually no archaeological resources were encountered during field testing, and sections of the Site were found to be disturbed, no additional investigations are warranted.

**FINDING.** *The Town Board finds that the Project will have no impact on any cultural, historic or archaeological resources.*

## **5.13 OPEN SPACE**

Any development of the Site would result in the elimination of open space resources, which are currently privately owned, and not available for public use. The Proposed Action involves converting the vacant property to support a hotel, a multi-family condominium building, 50 townhouses and associated site improvements, including parking, driveways and stormwater and utility infrastructure. Approximately 24.7 acres of the 32.5-acre Site (76%) will remain as open space.

While the loss of open space resources is an unavoidable impact, an extensive landscaping plan has been developed that incorporates features such as community open spaces, pedestrian pathways, tree-lined townhouse community streetscapes, bioswales, transitional woodland edges, a sculpture meadow and a robust landscape restoration plan, as innovative mitigation measures.

While a pedestrian connection to Community Park is prohibited by a deed restriction, the Applicant will continue to work with the Town to implement such a connection.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, open space will be reduced from 24.7 acres to 20.6 acres.

***FINDING.*** *The Town Board finds that any development of the Site would result in the loss of open space. However, this open space is privately owned and not publicly available. An extensive landscaping plan has been developed that will maximize the use of the Site that will remain as usable open space. No significant adverse impacts resulting from the loss of open space are anticipated.*

#### **5.14 CONSTRUCTION**

The Construction of the Proposed Action will disturb approximately 19.1 acres of 32.5-acre site (58.7%). Construction is projected to occur over a period of 24 months, in 5 phases, all designed to result in less than 5-acres of disturbance.

The Phasing Plan for the Proposed Action allows for development to occur in 5 separate phases, each one disturbing under 5 acres of land area thereby complying with requirements of the Town as the MS4 and the NYSDEC. All erosion and sedimentation control measures and site stabilization techniques have been designed to relate to the corresponding phase of construction. Any delay or failure in constructing subsequent phases would not affect previous phases, as they have been designed to function independently.

Although there are 5 phases on the construction phasing plan the Proposed Action consists of two development areas. One development area is the hotel and apartment building portion of the Site. During phase 1 of the construction sequence, the entrance to the Site will be constructed along with the roadway system for the hotel and apartment building. In addition to the roadway system, the water, sewer, and drainage systems will be constructed in the hotel and apartment building portion of the Site. The infrastructure

associated with the hotel and apartment building portion can be constructed, tested, and be brought into service without constructing much of the townhouse infrastructure.

The majority of the townhouse infrastructure is contained within phase 3 of the construction sequence. Therefore, the sewer main extension, water main extension, and a majority of the drainage system can be constructed, tested, and brought into service. The remainder of the drainage system will be constructed as the appropriate phase is constructed as the remainder of the drainage system is associated with building drainage.

During the construction all infiltration areas must be cordoned off and protected from heavy machinery.

During the construction period, construction activity shall be limited to the hours of 7:30 a.m. and 5:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays. Construction will not occur on Sundays or legal holidays. If for any reason, work is required beyond these time periods, written permission will first be obtained from the Building Inspector. All construction activities shall adhere to the noise requirements stated in Chapter 210 of the North Castle Town Code.

All construction staging, material and equipment storage and construction worker parking will occur in designated areas on-site. No parking, storage or disturbances to North Castle Drive will result from the Proposed Action.

The Proposed Action will disturb approximately 58.7% of the Site and encroach into 1.7 acres of steep slopes in excess of 25%. This activity will result in approximately 2,555 cubic yards of excavation. It is acknowledged that some of the required excavation may involve rock removal. The 2,555 cy represents the excess excavation after all site fill is in place. It's the volume which would need to be removed from the project site. It is estimated that the project will require 107,875 CY of excavation and 105,320 cy of fill, which the difference amounts to the 2,555 cy. Also it is estimated that 29,976 cy of the excavation will be bedrock.

While some of the 2,555 cubic yards of excavated materials may be processed on-site and reused as fill, for the purposes of this analysis, it is assumed that all 2,555 cubic yards would be exported. Utilizing haul trucks with a 16 cubic yard capacity, approximately 160 truck trips would be required to remove this excess material, which will be exported in accordance with all applicable regulations to a suitable location(s). It is projected that the build-out of the Proposed Action will extend over a two-year period, and that material will be exported as the project progresses over the course of that time. This translates into less than one truck trips per week.

Due to the obvious presence of rock outcrops and bedrock on the Site, and the grading required to accommodate the proposed improvements, it is anticipated that some blasting will be required. A detailed site geotechnical study has not yet been completed, so the precise volume of rock removal has not been established. Although it is anticipated that some bedrock situated near the Site's surface can be removed by mechanical means (i.e. chipping and ripping), blasting would be required in areas where the estimated material cut is greater than four feet. Blasting would be undertaken in accordance with a Blasting Protocol developed for this project, and the Town of North Castle Code, Chapter 122 Blasting, Explosives and Chipping Law. This Protocol would meet all New York State and Town of North Castle requirements for blasting.

Any on-site rock processing shall require review and approval by the Planning Board. 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.

Construction activities and the operation of construction equipment are an anticipated and necessary short-term consequence of any development of the Site, and cannot be avoided. Local daytime ambient noise levels would increase both on and off-site during the clearing and grading activities, construction of the site roadways, installation of infrastructure and the construction of the hotel and apartment buildings and the townhouses. As a result, construction related short-term noise impacts are expected. The following measures will be employed to mitigate noise impacts:

- All construction equipment shall be maintained in good working order.
- All construction equipment shall include appropriate muffler systems.
- Stationary equipment (such as generators) shall be shielded and sound attenuated.
- Blasting mats shall be used for all blasting operations.
- If comparable equipment is available, the use of quieter equipment shall be specified; electric powered equipment is typically quieter than diesel, and hydraulic powered equipment is quieter than pneumatic power.



Construction related impacts to air quality would vary based on the proximity of the construction activities to adjacent properties and the type and amount of construction equipment used for each project phase. General construction activities on the Site would have a potential impact on the local air quality through the generation of fugitive or airborne dust. Minimizing fugitive dust can be accomplished through the following methods:

- Minimizing the area of grading and the extent of exposed soil at any one time to under 5 acres, and stabilizing exposed areas with mulch and seed as soon as practicable.
- Incorporating the use of fast-germinating seed with mulch, hydro-seed or other temporary soil cover.
- Minimizing vehicle movement over areas of exposed soil.
- Covering all haul trucks transporting soil with tarpaulins.
- Spraying water on unpaved areas and areas of construction vehicle traffic to reduce dust generation.

Sedimentation resulting from erosion of disturbed soils during construction is a potential impact, affecting wetlands, watercourses and receiving waters of downstream properties. The Proposed Action has the potential to increase the volume and velocity of stormwater runoff resulting from land clearing and the conversion of existing land forms into developed areas and impervious surfaces. If not properly controlled, these activities could lead to accelerated erosion and sedimentation during construction. An Erosion and Sediment Control Plan has been developed to mitigate short-term construction related impacts. This plan, which will be included with the Site Plan and SWPPP, addresses land grading, topsoiling, temporary vegetative cover, permanent vegetative cover, mulching and erosion checks. A continuing maintenance program will be implemented for the control of sediment transport and erosion after construction and throughout the useful life of the Proposed Action.

The construction contractor would be responsible for complying with all specifications and conditions of the SWPPP. In addition, the Applicant will engage a Certified Professional in Erosion and Sediment Control/Certified Professional in Stormwater Quality or equally qualified professional to oversee the implementation of the SWPPP.

The objectives of the Erosion Control Plan are:

- Control erosion at its source with temporary control measures.

- Minimize the amount of sediment laden runoff from areas of disturbance, and control runoff prior to discharge to off-site areas.
- De-concentrate and distribute stormwater runoff through natural vegetation or structural measures before discharging to critical zones such as streams or wetlands.

Following construction, erosion would be prevented by re-establishing vegetation, and new landscaping and through the installation of the permanent stormwater management devices and facilities as depicted on the Site Plan.

The number of truck trips generated per day during construction would vary depending on the phase and pace of construction, weather conditions and seasonal variations. Types of construction vehicles that will routinely come to the Site include dump trucks, delivery vehicles, pick-up trucks, concrete trucks, backhoes and construction worker vehicles. Bulldozers, skid steers, track excavators, front end loaders, graders and pneumatic rock breakers will be delivered to the Site on flatbeds. Much of this equipment will be brought to the Site and remain there until it is no longer required, and will not make daily trips to and from the Site.

Truck deliveries will occur periodically throughout the course of construction as materials are brought to the Site including concrete, steel, framing materials and related building materials.

Construction truck traffic will utilize North Castle Drive to Route 22, and exit 3 on I-684 which is located less than ½ mile east of the Site. It is anticipated that this route would be used for the majority of deliveries. To the extent practical, deliveries to the site will be scheduled after the morning peak traffic period and before the afternoon peak traffic period.

Local contractors are expected to use local roads as well as the regional highways to access the Site. these contractors currently use these local roadways to get to and from their job sites. As a result, their travel to and from the Site will have a minimal impact on the traffic volumes of the surrounding roadway network.

The Town 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 Senior Townhouse and Hotel development projects. In addition, the Town Board finds that given current Town staffing levels combined with the size of both the Senior Townhouse and Hotel

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.

Furthermore, the Town Board finds that development in this R-MF-SCH zone shall require that each group of two-attached dwellings shall not be closer than 30 feet to another group of two-attached dwellings.

In an effort to ensure that the hotel is ultimately constructed as part of the development, the Town Board and the Applicant shall establish a cash escrow and agree to a scheduled release of building permits and certificates of occupancy for the senior townhouse development based upon hotel construction milestones.

The Lead Agency has determined that the proposed condominium building is not in keeping with the development envisioned on the property and that a three story hotel and townhouse development would be more appropriate. Specifically, the Lead Agency has determined that a 115 key, 72,800 square foot, 3 story hotel on a 10.6 acre lot and 72 age restricted townhouses, on 21.8 acres, approved via the application of the R-MF-SCH floating zone, totaling 229,450 square feet with a Net Lot Area FAR of 0.293, represents the optimal development density for the site while minimizing environmental impacts.

Based upon the Hotel/72 Unit Senior Townhouse plan, the amount of proposed earth cut is proposed to be reduced from 2,555 cubic yards to 1,443 cubic yards and reduce the amount of Town-regulated steep slope disturbance from 1.7 acres to 1.0 acres.

Based upon the Hotel/72 Unit Senior Townhouse plan, the proposed area of disturbance will be increased from 19.1 acres to 19.6 acres.

***FINDING.*** *The Town Board finds that there will be unavoidable short-term construction related impacts that will result from the development of the Site. However, provided the mitigation measures outlined above are implemented, the Town Board finds that no significant adverse impacts are anticipated.*

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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 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 Town Board

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Michael Schiliro  
Supervisor

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Date