

A. INTRODUCTION

Consistent with SEQRA regulations at §617.9, and in response to comments from the Lead Agency, Interested and Involved Agencies, and the public, the Applicant has developed an additional alternative for achieving the purpose and need described in the DEIS that avoids, reduces, and further mitigates the potential adverse impacts associated with the original project proposed in the DEIS (the “DEIS Project”).

This additional alternative is iterative of the Alternatives presented in the DEIS and, as described in Chapter 2 of this FEIS, does not result in an adverse environmental impact that was not considered in the DEIS. The new alternative consists of developing a portion of the Site with 125 townhomes and re-using the existing southern office building as a 50-unit, age-restricted (55+) multifamily housing building. Throughout this FEIS, this new alternative is referred to as the “Residential Housing Alternative” or “Preferred Alternative.” The other alternatives defined and analyzed in the DEIS, including the DEIS Project, remain unchanged.

The Applicant has amended its original petition (see **Appendix B**) to request that the Town Board map the “Senior Housing Portion” of the Site within the Town’s existing R-MF-SCH Zoning District, and map the “Townhouse Portion” of the Site within the Town’s existing R-MF-A Zoning District (collectively, the “Revised Proposed Zoning”) (see **Figure 3-1**). The Applicant is also requesting a minor zoning text amendment to the R-MF-SCH Residence District Regulations (Town Code §355-27(B)(2)). The text amendment would preserve the Town Board’s discretion in establishing R-MF-SCH sites, and would grant the Town Board the authority to establish the dimensional and design requirements, at the time of rezoning, when converting existing office space to senior multifamily residential use (as is the case here).

This additional alternative, which is Applicant’s Preferred Alternative, was developed in response to both evolving market needs and the comments received on the DEIS. Such comments included those that opined that the DEIS Project was too intense for the Project Site, and that the proposed 5-story multifamily building proposed in the DEIS Project was too large and would create adverse visual impacts.

In response, the Applicant developed the Residential Housing Alternative, described in more detail below, which includes:

- The construction of approximately 125, fee simple, 2-story, 3-bedroom townhomes;
- Removal of the Site’s existing 29-foot tall, two-story, approximately 316-space parking garage and the 37.5-foot tall, three-story, approximately 161,000 square foot northern office building;
- Repurposing the Site’s southern office building as approximately 50, two-bedroom dwelling units in a multifamily building, the occupancy of which would be age-restricted to those 55



years of age and older, as required by the Town's R-MF-SCH Zoning District, and permitted by the U.S. Fair Housing Act;

- Construction of a new, 2-story, approximately 60-space parking structure north of the multifamily building, which is anticipated to be connected to the multifamily building with an enclosed pedestrian walkway;
- Construction of site amenities, including a clubhouse, pool, and walking trails; and
- Construction of internal driveways, stormwater management features, and a site-wide landscaping program.

As described in Chapter 2, "Environmental Analyses," the Preferred Alternative is directly responsive to the substantive comments received on the DEIS Project. Specifically, the Preferred Alternative generates significantly less traffic than the DEIS Project and less traffic than would occur if the existing office buildings were reoccupied. The Preferred Alternative would remove more than 262,000 square feet of building space on the Site, including two, three-story structures, while new construction would be limited to two-stories. As such, the Preferred Alternative would have less of a visual impact than the DEIS Project and significantly less visual impact than the Currently Approved office expansion plan. Reducing the height of the construction on the Site also reduces potential impacts to the Fire Department. With respect to wetlands and stormwater, the Preferred Alternative would not include impervious surfaces within the town's wetland buffer (as was contemplated in the DEIS Project and as currently exists today) and would include stormwater management systems that reduce the rate and volume of stormwater runoff from the Site through compliance with the most recent stormwater regulations of New York State and New York City's DEP. Finally, through reducing the population of the Site (from both the DEIS Project and the condition that would occur if the two office buildings were reoccupied), the burden on Town services would be reduced. At the same time, the property taxes generated by the Project Site would not only stabilize, they would increase from the current, over-assessed, condition of the Site, and would more than cover the costs associated with the Preferred Alternative.

This chapter provides specific responses to the substantive comments from the public, Town officials, and other agencies on the Draft Environmental Impact Statement ("DEIS") and Draft Generic Environmental Impact Statement ("DGEIS"), collectively the "DGEIS," that were made verbally at the Public Hearings on the DGEIS held on July 28, 2021, September 9, 2021, and September 22, 2021, or provided to the Town of North Castle Town Board (the "Town Board"), as Lead Agency, through October 12, 2021. A list of commenters, as well as the full transcripts of the Public Hearings and the correspondence from which the comments are drawn are included as **Appendix A**. Comments having a similar subject or raising similar technical points are grouped together. In some cases, for ease of reading, an introduction to a group of similar comments is provided (see e.g., Comment 2-1). Comments consisting solely of support or opposition to the project, or support or opposition of a particular comment on the DGEIS are not included in this chapter, but those letters are included in **Appendix A**.

B. COMMENTS AND RESPONSES

Substantive comments on the DGEIS are organized by topic and presented according to the appropriate DGEIS Chapter.

CHAPTER 2: PROJECT DESCRIPTION

Comment 2-1: A comment was received questioning the “baseline” to which impacts of the Proposed Action were considered; specifically whether it is appropriate to compare the potential impacts of the Proposed Action to the potential impacts of approved, but unbuilt, improvements.

Sometimes we hear that an applicant’s baseline is what’s been approved, even though it hasn’t been built. Now, I’ve said numerous times I want our businesses, our developers, to do well. But our primary concern is what’s good for the town, and we want to understand that.

So, the world changes. And Eagle Ridge is an example. They were approved for a 300-room hotel. They said, “We can’t build it.” So, we’ve got to come here. And they proposed that the baseline, out of a sense of fairness, at least some people have said, should be what they were approved for and go from there.

Similarly, you’re saying something like that here, I believe. Not to put words in your mouth. But, you know, if the world changes for a property owner and they find that they can’t go ahead and feasibly build what was approved, I would submit that it at least merits consideration that as the world evolves, as there’s more buildings in town, circumstances change, so you have COVID, you know, all these crazy things that can happen, you know, things can change for the town in evaluating too. So, I wouldn’t just automatically start with the base that, Hey, what was there before, it’s only fair that we go there. The world changes. If it changes for one party, reasonable that you would say that it changes for the other party as well. (Berra_002)

Response 2-1: As discussed in FEIS Chapter 1, “Project Description,” in response to evolving market needs as well as comments received on the DEIS, the Applicant has amended its original petition (see **Appendix B**) to request that the Town Board map the “Senior Housing Portion” of the Site within the Town’s existing R-MF-SCH Zoning District, and map the “Townhouse Portion” of the Site within the Town’s existing R-MF-A Zoning District. The Applicant is also requesting a zoning text amendment to the R-MF-SCH Residence District Regulations (Town Code §355-27), which would clarify FAR when converting existing office space to senior multifamily residential use (as is the case here). The Revised Proposed Zoning would facilitate a residential development plan for the Project Site, referred to as the “Residential Housing Alternative.” The “Residential Housing Alternative” together with the “Revised Proposed Zoning” is now referred to as the Applicant’s “Preferred Alternative” throughout this FEIS. The Preferred Alternative will repurpose the Project Site’s southernmost office building with approximately 50, 2-bedroom apartments in an age-restricted (55+) multifamily building, and will construct approximately 125, 2-story, 3-bedroom townhomes.

As discussed in the DEIS, as well as FEIS Chapter 1, “Project Description,” the Town Board granted special permit approval and the Planning Board granted amended site plan approval to permit the Project Site’s previous owner, MBIA, to develop an additional 238,000 sf of office and related amenity space, including a 20,000-sf meeting house (aka the “Previously Approved Development Plan”). These approvals allow for an increase of office space on the Project Site from approximately 261,000 sf of office and related amenity space that exists today to approximately 499,000 sf of office and related amenity space, including the proposed meeting house. This approval also provided for the construction of a five-story parking structure containing approximately 1,000 parking spaces.

Pursuant to SEQRA, the Lead Agency must take a “hard look” when examining the potential environmental impacts of a proposed action, while also considering what can reasonably be expected to occur on a site absent the proposed action, based the existing condition of the site and any previously granted approvals. The Project Site currently contains two vacant office buildings along with site access and parking to support that use should it be continued. As appropriate, both the DEIS and FEIS disclose both the Project Site’s existing improvements and the Previously Approved Development Plan. However, the analyses presented in the FEIS for the Preferred Alternative are conservative and do not utilize the Previously Approved Development Plan as a baseline for presenting potential impacts. For example, as discussed in Chapter 2, “Environmental Analyses,” the Stormwater Pollution Prevention Plan (SWPPP) is no longer being treated as an amendment to the SWPPP approved for the Previously Approved Development Plan. In addition, similar to the DEIS Project, the analysis of potential traffic impacts compares the Preferred Alternative to a scenario where both existing office buildings on the Project Site are reoccupied for office uses. This approach was determined appropriate by the Town Board as documented in the DEIS Scoping Document (see DEIS Appendix A).

Comment 2-2:

Comments were received expressing the opinion that the repurposing of the existing office buildings should be considered first, then single-family residential uses on the undeveloped portion of the Site; but apartment uses should not be permitted.

Woodyard_013: Okay, look at this project in phases. Go ahead and what we talked about in the comprehensive plan steering committee. Re-purpose those buildings, one as the office building, the other one as the hotel, that’s fine, you know, and then make that as a start. And then really start thinking about the other opportunities that may be available to them besides a freaking apartment building.

Woodyard_013: I think you can probably make them more profitable at the end because that's what people are coming for. What you are doing is you are creating a neighborhood in the 45 houses, and you got people who will sit there and walk their dogs and you know, carpool.

Response 2-2:

As discussed in FEIS Chapter 1, "Project Description," in response to evolving market needs as well as comments received on the DEIS, the Applicant has amended its original petition to request that the Town Board map the Senior Housing Portion of the Site within the Town's existing R-MF-SCH Zoning District, and map the Townhouse Portion of the Site within the Town's existing R-MF-A Zoning District. The Preferred Alternative will repurpose the Project Site's southernmost office building as approximately 50, 2-bedroom apartments in an age-restricted (55+) multifamily building, and will construct approximately 125, 2-story, 3-bedroom townhomes. The mix of uses and associated phasing presented in the DEIS is no longer proposed. As discussed in Chapter 2, "Environmental Analyses," the Applicant is contemplating two phases of construction for the Preferred Alternative's all-residential, partially age-restricted housing plan.

Comment 2-3:

Comments were received requesting additional, new allowable uses in the DOB-20A district through revisions to the proposed local law. (DiGiacinto_010, Baroni_018)

DiGiacinto_010: I would like to add to the permitted uses, and this is my favorite, a sports complex. I would love to see something that does not exist anywhere in our vicinity. I am talking about indoor ice rink, indoor pool, indoor fields, outdoor fields. I mean tennis courts, indoor, outdoor, something that will draw if you've got the people.

DiGiacinto_010: I would also like to add a skilled nursing care because I believe you just have in the zoning senior housing and assisted living. [Consider a continuum of care and housing options for seniors.]

Baroni_018: Regarding the proposed uses: it occurred to me that perhaps we should preface the proposed uses, and even the existing uses that are in the district as for profit uses only, that's our tax base out there and I just think it's important that no matter what you propose out there that all of those uses stay on the tax roll.

Response 2-3:

As discussed in FEIS Chapter 1, "Project Description," in response to evolving market needs as well as comments received on the DEIS, the Applicant has amended its original petition to request that the Town Board map the Senior Housing Portion of the Site within the Town's existing R-MF-SCH Zoning District, and map the Townhouse Portion of the Site within the Town's existing R-MF-A Zoning District. The Applicant is no longer proposing text changes to the DOB-20A Zoning District, and no adjacent sites in the DOB-20A district would be affected by the Applicant's amended petition. The Preferred Alternative will

repurpose the Project Site's southernmost office building as approximately 50, 2-bedroom apartments in an age-restricted (55+) multifamily building, and will construct approximately 125, 2-story, 3-bedroom townhomes.

Comment 2-4: I didn't see any reference in the document to affordable housing, which also has to be complied with under the model ordinance. (Baroni_005)

Response 2-4: Similar to the DEIS Project, the Preferred Alternative would comply with Section 355-24(I)(1) of the Town Code and set aside affordable affirmatively furthering fair housing (AFFH) units. While the specific details would be refined as part of the site plan review process with the Planning Board, the code requires no less than ten (10) percent of the total units developed be AFFH units and marketed in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan.

Comment 2-5: The applicant should verify that sufficient space will be available to store recyclables under the County recycling program which includes plastics numbered 1 through 7. County regulations for plastic recycling may be found at: <http://environment.westchestergov.com>. The Town should also be aware that Westchester County has reporting requirements for waste management for businesses with more than 100 employees. (Drummond_WCPB_020)

Response 2-5: Comment noted. The Preferred Alternative is exclusively residential and would not include any businesses with more than 100 employees. The Applicant would work with the Town to continue to advance the County's recommendations through the site plan review process. Each townhouse will include a two-car garage to store containers for solid waste and recyclables and the existing office building, to be converted to multifamily use, has adequate storage spaces for solid waste and recyclables.

Comment 2-6: We appreciate the applicant's proposed use of permeable pavement, and the extensive use of bioretention and other aboveground stormwater management techniques. We encourage the Town to work with the applicant to include as much further green or sustainable building technology into the development as possible. In addition, the Town and the applicant should give consideration towards the provision of electric vehicle parking capabilities as well as charging facilities for electric bicycles. (Drummond_WCPB_020)

Response 2-6: Comment noted. The Applicant would work with the Town on advancing these recommendations through the site plan review process. FEIS

Chapter 2, “Environmental Analysis,” includes a discussion of the Preferred Alternative’s consistency with the New York State Climate Leadership and Community Protection Act which was passed in 2019. Among other design considerations, the Preferred Alternative would incorporate green building technologies such as green roof areas, energy efficient appliances, LED lighting, and charging options for electric vehicles.

Comment 2-7:

Comments were received seeking clarification on the maximum number of units that could be built on the Project Site and Swiss Re site under the DEIS Zoning, as described by the DGEIS component of the environmental review. Comments were also received asking if it would be possible to limit this maximum buildout through changes to the local law. (Berra_002, DiGiacinto_001)

Berra_002: Another question in terms of the presentation, on the generic EIS: what’s the maximum number of units in one way or the other that could be built on the Swiss Re? I think you said before, at least implied, that it would allow more than what was currently being proposed.

DiGiacinto_001: And the project [the maximum build out of the Project Site under the DEIS Zoning], then, would be all residential?

Berra_002: And is there some way, since it’s a proposed change in the law, to limit it so that you wouldn’t have the ability to have that many units and Swiss Re wouldn’t either?

Berra_002: I would be interested in seeing what that law would look like if it were going to be limited to what you are currently proposing.

DiGiacinto_001: Page 13, same chapter 13, page 13-16, the final paragraph, 13E, cites in quotes, “Theoretical build out for Airport Campus and Swiss Re, 750 residential units and an 80-room hotel.” This is the equivalent, in terms of the number of residential units, to more than two Windmill Farm developments, therefore I wish to see the proposed local law revised so it eliminates Section 4, which is Chapter 355 of our local law, Sections B and C and D, dealing with conversion.

Response 2-7:

As discussed in FEIS Chapter 1, “Project Description,” in response to evolving market needs as well as comments received on the DEIS, the Applicant has amended its original petition to request that the Town Board map the Senior Housing Portion of the Site within the Town’s existing R-MF-SCH Zoning District, and map the Townhouse Portion of the Site within the Town’s existing R-MF-A Zoning District. The Preferred Alternative would repurpose the Project Site’s southernmost office building as approximately 50, 2-bedroom apartments in an age-restricted (55+) multifamily building, and will construct approximately 125, 2-story, 3-bedroom townhomes.

The DEIS prepared by the Applicant, and accepted by the Lead Agency, included consideration of the potential, hypothetical, development of

sites other than the Project Site (including Swiss Re) that could theoretically be permitted by the DEIS Zoning. These potential impacts were analyzed in the “generic” portion of the document, also referred to as the Draft Generic Environmental Impact Statement (DGEIS). As the Applicant has requested that the Town Board defer further consideration of zoning amendments that directly affect sites other than the Project Site while it considers the Revised Proposed Zoning, a Final Generic Environmental Impact Statement (FGEIS) is not required to, and has not, been prepared.

CHAPTER 3: LAND USE, ZONING, AND PUBLIC POLICY

Comment 3-1: Comments were received questioning whether the necessary conditions have been satisfied for the Applicant to develop within the “revocable” portion of the conservation easement.

It says here in the bottom paragraph of the Executive Summary, Section 1.B.3 on page 1-5, when it talks about the conservation easement, it says, A portion of the conservation easement area was to be irrevocable in the form of a 50-foot deep, approximately 1.95-acre strip of property immediately adjacent to the DEP property. The balance of the conservation easement area (approximately six acres) was to be revocable if two conditions were met as follows: (i) MBIA has not constructed both the proposed office building and the associated parking structure. That seems like it’s met. And (ii), MBIA sells the Cooney Hill lots to a third party for the standalone development.

So what I have trouble seeing, and I don’t have obviously the whole agreement in front of me, but – it might be in here. I forgot if it is. MBIA sells the Cooney Hill lot to a third party for standalone development. It doesn’t seem like MBIA sold the Cooney Hill lots to a third party for a standalone development. (Berra_002)

I took a lot of comfort in the fact that River Keeper and Natural Resources defense council had reached an agreement where that wouldn’t be done and now, I understand the position is as it was mentioned the last time, that the Deed restriction on that part of it according to the applicant isn’t really something that applies any longer and I question that, whether that really should be the case. (Berra_009)

Section 2C.5, Appendix B-1, and Exhibit E of the DEIS note the following with regard to revocation of the conservation easement (~6 acres) west of Weber Place: “the Applicant has satisfied the requirements for the revocation of that portion of the conservation easement deemed to be revocable; however, the Proposed Project does not include any structures, roads, or drives within the revocable portion of the easement.” It appears that the revocable portion of the easement has met conditions to be revoked – does this mean that easement no longer exists? If so, the fact that they are not currently building in this area doesn’t mean that the area couldn’t be developed in the future. The Town should consider requiring a larger irrevocable easement to replace all or some of the previous revocable easement. (Garcia_NYCDEP_030)

Response 3-1:

As described in the DEIS, and pursuant to an agreement between the Site's previous owners (MBIA), the Natural Resources Defense Council (NRDC), and Riverkeeper, Inc., a conservation easement (the "Conservation Easement") between MBIA as grantor and the Westchester Land Trust, Inc. (WLT) as grantee was executed on January 11, 2006. A portion of the conservation easement area includes an irrevocable 50-foot-deep, approximately 1.95-acre strip of property immediately adjacent to the DEP's property. The balance of the conservation easement area (approximately 6 acres) granted to WLT is revocable under two conditions: (i) MBIA has not constructed the proposed office building and the associated parking structure (i.e., the Currently Approved Development Plan, described below, that allows for expansion of the current office use to approximately 499,000 square feet plus the construction of a five-story approximately 1,000 car garage); and (ii) MBIA sells the Cooney Hill lots to a third party for a stand-alone development. It is the Applicant's opinion that the conditions allowing revocation have been satisfied and, as such, the Applicant may revoke that portion of the Conservation Easement Area delineated as revocable. During site plan review, the Town will evaluate the plan with the Applicant in context with its zoning jurisdiction and any further comments from the Town Attorney and the Westchester Land Trust.

The Preferred Alternative proposes development in a portion of the approximately 6-acre revocable section of the Conservation Easement Areas that are revocable, which the Applicant contends is permitted. A portion of a proposed stormwater management basin would be located in the 1.95-acre irrevocable area, similar in location to the basin included in the Currently Approved Plan and SWPPP. Stormwater improvements are expressly permitted in the irrevocable Conservation Easement Areas as set forth in the WLT Conservation Easement.

Comment 3-2:

Comments were received expressing concerns about the DEIS Zoning, including the overall density that would be permitted, the height that would be permitted, the zoning mechanisms that would allow for conversion of office space, the character and scale of development that would be permitted under the DEIS Zoning, its conformity with surrounding land use patterns, and what the impacts of the zoning amendments could be on other sites within the DOB-20A. (DiGiacinto_010, Black_Krupa_CB_024, Kaufman_TNC_022, Drummond WCPB_020, Kazak_OSC)

DiGiacinto_010: I would like to see a change to the limited maximum height to three stories inclusive of parking in building for multifamily buildings.

Black_Krupa_CB_024: We are particularly concerned with the proposal's density, which we believe is greater than the site can handle environmentally.

Kaufman_TNC_022: The Applicant is proposing significant changes to the DOB-20A Zoning District to permit hotel, single family homes, two-family homes, senior citizen housing and assisted living facilities in an existing office district. Specifically, the draft local law grants a 1:1 office space conversion to hotel uses and a 1:1.25 office space conversion to residential uses. In addition, the draft zoning law would provide a 25 percent and 50 percent density bonus to assisted living uses. While the 2018 Comprehensive Plan recommends changes of use in this district to permit hotel and residential uses, the plan also notes that residential uses should be at an appropriate scale. The proposed zoning changes would permit approximately 500 new residential units at the Airport Campus site and 250 units at the SwissRe site. The Town Board will need to determine whether the proposed amount of new residential development would be appropriate in the DOB-20A Zoning District. The Applicant should provide the rationale for requesting the proposed residential density on the property. In addition, the Applicant should provide the rationale for the proposed residential and assisted living bonus densities.

Kaufman_TNC_022: The maximum permitted FAR in the DOB-20A Zoning District is 0.15. It is recommended that the maximum resulting density after the DOB-20A zoning revisions not exceed that amount. The Applicant should describe the maximum potential FAR in the DOB-20A after the zoning changes. If in excess of 0.15, the Lead Agency will need to determine whether the proposed local law should be revised.

Kaufman_TNC_022: The proposed zoning amendments are overly complex, will be difficult to administer and difficult for the Lead Agency to fully evaluate as presented. It is strongly recommended that the text be revised with an aim to simplify the DOB-20A regulations. Particular attention should be given to eliminating density bonus provisions, setbacks based upon use and height maximums based upon use, where possible.

Kaufman_TNC_022: The Applicant is proposing significant changes to the DOB-20A Zoning District to permit hotel, single family homes, two-family homes, senior citizen housing and assisted living facilities in an existing office district. In addition to permitting the conversion of existing and fully approved office space to residential uses, the draft local law also permits the construction of the following new permitted principal uses:

- Medical offices
- Hotels
- Multifamily, townhouse, single-family, and two-family dwellings
- Senior citizen housing
- Assisted living facilities

In an effort to spur occupancy of existing vacant office space, there is a clear rationale to permit other compatible uses including residential. However, the rationale for also permitting new multifamily, townhouse, single-family, two-family dwellings and senior citizen housing as new permitted principal uses is less clear. The Applicant should provide such rationale to the Lead Agency.

It seems that the permitted uses for hotel, multifamily, townhouse, single-family, and two-family & senior citizen housing should note that these uses are permitted only under the office conversion provisions of Section 355-40(X)(2)&(3) of the Town Code. Specifically, the Lead Agency should give consideration to permitting a wide array of uses that would permit the conversion of existing vacant office space but prohibit the transfer of existing unbuilt office to new residential multifamily. Unbuilt portions of the property could be rezoned back to single family residential as that was the zoning in place prior to the current DOB-20A zoning.

Kaufman_TNC_022: The proposed modifications to the DOB-20A district's dimensional regulations would increase the maximum allowable building height from 3 stories and 45 feet, to 85 feet for multifamily buildings. This increase in height would permit the construction of a multifamily building that could be as much as 40 feet taller than currently permitted office buildings. This increase in height will be discernable from locations where the building can be observed, such as from NYS Route 120. The Applicant should provide the rationale for permitting the proposed additional height on the property. The Town Board may wish to limit the maximum permitted height of buildings in the DOB-20A Zoning District to minimize these impacts.

Kaufman_TNC_022: The existing DOB-20A zoning setbacks are the same as the OB and OB-H Zoning District and are the largest of any zoning district in the Town. The proposed action would reduce the front yard setback from 150' to 65' for multifamily buildings and 200' for townhouses (57 percent reduction in setback and 33 percent increase in setback), the side yard setback from 300' to 60' (80 percent reduction in setback) and the rear yard setback from 300' to 80' for multifamily buildings (73 percent reduction in setback). The proposed reductions in setbacks may create significant visual impacts from NYS Route 120 and surrounding properties. The Applicant should provide the rationale for permitting the proposed reductions in setback.

Kaufman_TNC_022: The existing DOB-20A zoning building coverage regulations are the same as the OB and OB-H Zoning District. The proposed action would increase the maximum permitted amount of building coverage from 10 percent to 15 percent (50 percent increase in building coverage). The proposed increase in building coverage would permit additional density on the site, as well as create additional impervious surfaces within the DOB-20A Zoning District. The Applicant should provide the rationale for permitting the proposed increase in maximum permitted building coverage.

Drummond_WCPB_020: The concept of placing large amounts of new development in relatively remote locations runs contrary to the County Planning Board's long-range planning policies set forth in Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in Patterns for Westchester: The Land and the People, adopted December 5, 1995, which call for directing growth towards existing downtown centers. In this case, the applicant is contemplating a five-story, 149-unit multifamily building. Typically, higher density apartment buildings of this size are placed closer to public transit, shopping, and services so that more people can avail themselves of the shorter traveling distances. Placing multifamily buildings

in low-density areas further from services would necessitate that more people would have to make longer automobile trips for all of their daily needs. The 331 parking spaces that the applicant proposes (more than two spaces per apartment unit) provides an insight into the scale of this automobile dependency.

Kazak_OSC_026: The Open Space Committee supports the introduction of other uses on the DOB-20A parcels but does not support the Applicant's current zoning proposal as the resulting density and scale is contrary to Town and County planning. We recommend that the Applicant propose a zoning change whose density and scale will result in buildings that embrace, not destroy, the special sense of place, that is Armonk.

Kazak_OSC_026: The DEIS and GEIS demonstrate that under the Applicant's proposed zoning change the maximum development potential for the project site is 500 residential units and 250 residential units on the nearby Swiss Re property. Such density is completely out of character in our town and contradicts both Town and County Planning.

Kazak_OSC_026: Section 4.4 of the Town Comprehensive Plan states that for the DOB-20A zone, in particular Swiss Re and former MBIA campus, the Town should explore allowing for an introduction of residential uses, at a scale comparable to surrounding land use patterns. The zoning change that the Applicant proposes allows for land use that is most definitely not comparable to the surrounding land use patterns and therefore contrary to the Town Comprehensive Plan.

Drummond WCPB_020: While the County Planning Board is generally supportive of the redevelopment of vacant office campuses with non-office uses, the subject site is not suitable for residential development. While the continuation of office space on the site along with a hotel may be acceptable for this property, we recommend the Town not approve residential uses on this site.

DiGiacinto_010: If the town were to rezone 113 King Street property, the zoning amendment would apply to the 126 acres Swiss Re parcel. Please provide the same data as requested in the above number 6.

Garcia_NYCDEP_030: Given the critical nature of Kensico Reservoir as a terminal reservoir within the NYC Water Supply system, the proposed zoning changes if allowed, may result in over development of the site in the near future. Although only 10% percent [sic] is proposed per the current plan, this zoning change noted in the DEIS will present more opportunities to expand neighboring parcels in proximity to the reservoir and may be detrimental to water quality. In this regard, changes in weather patterns due to global warming and the effects of fluctuating intensity of precipitation and storm events and their direct impacts on these proposals must be evaluated, reduced, eliminated and/or mitigated.

Garcia_NYCDEP_030: The DEIS chapters that mention potential zoning changes and related impacts emphasize that no specific proposals for maximum build out for the project site and the Swill Re site are being pursued at this time. As full build out is a possibility, the DEIS must include a discussion of the possible environmental and water quality impacts of such future action, rather than deferring review of impacts to the site plan and environmental review process. While a detailed assessment of potential

impacts may be difficult to quantify, the DEIS should include an assessment of the maximum development potential of this area under the existing zoning compared with the maximum development potential under the proposed zoning. Due to the proximity of the Kensico Reservoir, DEP strongly urges the Town of North Castle to limit those possibilities thereby reducing further expansion into those areas.

Garcia_NYCDEP_030: The proposed zoning modifications to the DOB-20A zone allow the conversion of one (1) square foot of office space to 1.25 square feet of residential with “density bonuses” for senior or assisted living. Alternative 4, static density, considers a 1 to 1 conversion that results in less development, less water and sewer demand and would likely pose less of an impact from an environmental and water quality standpoint.

Garcia_NYCDEP_030: The proposed zoning modifications would allow maximum building coverage to increase from 10% to 15% (see table Page 1-9) – this could potentially lead to more impervious surfaces than currently allowed, which would be potentially detrimental to water quality. The provided coverages associated with the proposed action are much less than the 15% so it’s not clear why a coverage percentage needs to be increased at all.

Garcia_NYCDEP_030: The proposed zoning modifications would impact other parcels in the Kensico Reservoir basin, making those properties more likely to be developed. Any proposed zoning modifications should properly balance the needs of property owners with potential adverse impacts to Kensico Reservoir.

Response 3-2:

As discussed in FEIS Chapter 1, “Project Description,” in response to evolving market needs as well as comments received on the DEIS, the Applicant has amended its original petition to request that the Town Board map the Senior Housing Portion of the Site within the Town’s existing R-MF-SCH Zoning District, and map the Townhouse Portion of the Site within the Town’s existing R-MF-A Zoning District. The Applicant has requested the Town Board to defer review of any text changes to the Zoning Code’s DOB-20A Zoning District. No adjacent sites in the DOB-20A district (including Swiss Re) would be affected by the Applicant’s Preferred Alternative.

As discussed in FEIS Chapter 2, “Environmental Analyses,” the Preferred Alternative would not result in any new significant adverse impacts were not already analyzed in the DEIS. Rather, the Preferred Alternative would further avoid and mitigate potential adverse environmental impacts when compared to the DEIS Project. As discussed in FEIS Chapter 2, the Preferred Alternative would be consistent with the Town’s Comprehensive Plan and would introduce a land use (age-restricted housing within a converted office building, and new 2-story townhomes which would not be age-restricted) at a scale and architectural design comparable with other recently constructed age-restricted residential developments in the Town.

As described throughout this FEIS, the Preferred Alternative would remove more than 262,000 square feet of building space on the Site, including two, three-story structures, while new construction would be limited to two-stories. As such, the Preferred Alternative would have less of a visual impact than the DEIS Project and significantly less visual impact than the Currently Approved office expansion plan. Reducing the height of the construction on the Site also reduces potential impacts to the Fire Department. Through reducing the density and resultant population of the Site (from both the DEIS Project and the condition that would occur if the two office buildings were reoccupied), the burden on Town services would be reduced. At the same time, the property taxes generated by the Project Site would not only stabilize, they would increase from their current level, which is based on an owner-occupied assessment, and would more than cover the costs associated with the Project.

The Revised Proposed Zoning would address the specific comments described above. Specifically, the zoning mechanisms would be simplified through use of an existing Town zoning district, the scale and density of development proposed would be reduced, and the potential for impacts resulting from other uses or applicability to other sites would be eliminated.

CHAPTER 4: GEOLOGY AND SOILS

Comment 4-1: Executive Summary, 1D.4, Geology and Soils, indicates that based on the geotechnical investigation, the lower level of the multifamily structure will extend 7 to 8 feet below the groundwater table. The subgrades must be properly stabilized to increase structural integrity and retain strength during wet conditions. More information is needed on how to properly stabilize the wet sub grades for better strength without impacting groundwater during construction. (Garcia_NYCDEP_030)

Response 4-1: The multifamily structure is no longer being proposed as part of the Preferred Alternative.

Comment 4-2: Chapter 4, Geology & Soils: The Section notes that there will be an excess of cut material from the proposed project and it is estimated that more than 20% of excess material that cannot be used onsite will be hauled away. Onsite areas designated to receive excess material must be identified and any associated impacts with additional clearing and grubbing, particularly near wetlands and watercourses should be fully addressed and mitigated. (Garcia_NYCDEP_030)

- Response 4-2:** Onsite areas designated to receive excess material are identified on the Cut and Fill Plan and are within the identified limit of disturbance (LOD). The proposed LOD is shown on the site plans and will be staked out prior to construction. Erosion and sediment control measures will be installed within the LOD to limit clearing, grubbing and filling.
- Comment 4-3:** Impacts of dewatering excavations or groundwater leaching from material cut sections should be fully addressed in the DEIS. In addition, construction during freeze/thaw conditions should also be addressed. (Garcia_NYCDEP_030)
- Response 4-3:** Based on the Preferred Alternative, groundwater is not anticipated to be encountered during construction. Construction during freeze/thaw conditions will be addressed in the final SWPPP prepared as part of the site plan review.
- Comment 4-4:** Figure 4-1 Project Site – “Unique Geological Features” identifies all areas of existing rock outcropping. On the same plan, several points with NYCDEP labels are shown. The project applicant must clarify what they represent. The watercourses flagged by DEP during the November 2018 site walk with JMC must also be identified on the plans. (Garcia_NYCDEP_030)
- Response 4-4:** The points with NYCDEP labels are test pit locations that were witnessed by NYCDEP for the MBIA Office Expansion project. The watercourses flagged by NYCDEP and JMC during the November 2018 site walk will be added to the Site Plan submission.

CHAPTER 5: TOPOGRAPHY AND SLOPES

No comments were received on this Chapter.

CHAPTER 6: VEGETATION AND WILDLIFE

- Comment 6-1:** While the project site is already developed, there remains an important swath of open space that provides necessary protection to the Kensico Reservoir, provides wildlife habitat, and serves as an important wildlife corridor. A zoning change that will allow a 50 percent increase in building coverage will endanger all of these things and is strongly advised against. (Kazak_OSC_026)
- Response 6-1:** As discussed in FEIS Chapter 1, “Project Description,” in response to evolving market needs as well as comments received on the DEIS, the Applicant has amended its original petition to request that the Town Board map the Senior Housing Portion of the Site within the Town’s

existing R-MF-SCH Zoning District, and map the Townhouse Portion of the Site within the Town's existing R-MF-A Zoning District. The Applicant has asked the Town Board to defer considering text changes to the Zoning Code's DOB-20A Zoning District. Under the Project Site's existing condition, building coverage is approximately 7 percent. With the Preferred Alternative, the building coverage would be approximately 18.6 percent. In the R-MF-SCH district, the maximum building coverage is determined by the Town Board at the time of zoning approval. Under the Preferred Alternative approximately 65.4 percent of the Project Site's total area (which equates to approximately 25.36 acres) would consist of undeveloped open space that is either undisturbed (wetland area, steep slopes, forest, conservation easement area) or landscaped. This is approximately 3 acres less than were proposed with the DEIS Project (i.e., 28 acres). To mitigate this, the Applicant's proposed landscaping plan incorporates a substantial amount of new native plantings in these areas. Conservation easement areas adjacent to DEP lands and previously entered into as part of prior project proposals by MBIA will be maintained. Finally, the overall density and height of the buildings on the Project Site would be reduced.

Comment 6-2:

The Applicant states that approximately six acres, or 28 percent, of mixed upland forest/field cover would be removed. The applicant contends that this removal would not have an adverse environmental impact due to the low quality of the existing habitat. However, the Conservation Board sees this as a substantial disturbance that, combined with the density and visibility of the project, will negatively impact the environment. (Black_Krupa_CB_024)

Response 6-2:

As discussed in FEIS Chapter 2, "Environmental Analyses," the northern portion of the Project Site contains open canopy mixed forest/field areas resulting from previous disturbance, which would be cleared to facilitate the Preferred Alternative. A 17-lot single-family residential subdivision was removed from the northern portion of the Project and the area that contained landscaping and lawns was allowed to revert to scrub/shrub and mixed forest, creating a field-like environment with interspersed upland forest vegetation. The Preferred Alternative would disturb approximately 28.0 acres of the Project Site, which is a larger area of disturbance when compared to the DEIS Project. However, like the DEIS Project, most disturbance would be associated with the previously disturbed habitat in the northern portion of the Site (14.94 acres) and yield lower overall environmental effects than if more ecologically sensitive areas were disturbed. More heavily forested areas of the Project Site, including those areas along the western perimeter of the Project Site and the previously established conservation easement area, would be

preserved and would provide continued habitat for forest interior species. The clearing of the mixed forest/field habitat on the Project Site is not anticipated to alter site biodiversity since that area is already altered as a result of previous site disturbance. The regulated wetland on the Project Site would not be disturbed and would be left intact. This area is considered the most likely migratory corridor for wildlife species on the site. Similar to the DEIS Project, several mitigation measures are proposed to minimize the potential for impacts to vegetation and wildlife in connection with the Preferred Alternative, as described in Chapter 2, “Environmental Analysis.”

Comment 6-3: Referring to the six (6) acres of vegetation to be removed for new construction, the Board would like to see a list of removed plants when the project reaches site plan stage. All Tree of Heaven plants should be removed. (Black_Krupa_CB_024)

Response 6-3: Comment noted. The Preliminary Tree Protection Plans included in both the DEIS and FEIS identify the trees having a diameter at breast height of 8 inches or greater by species, including Tree of Heaven (listed as “TOH”). All TOH specimens documented are proposed to be removed.

Comment 6-4: Comments were received with respect to the potential tree removal and other impacts to trees that could occur as a result of the Proposed Project.

Hussain_013: For trees that have been there longer I think it would be good to understand what it would take and what implications it would have for you to protect those trees. We sometimes just pass over that and just looking at the diagrams that you had shown it seems like there is some significant changes in the landscaping that has an effect on that set up and I just would love to go deeper into that.

Black_Krupa_CB_024: We are concerned with the removal of approximately six acres of woodland and 368 trees and the resultant impact in wildlife and open space.

Response 6-4: In total, the Preferred Alternative would result in the removal of approximately 744 trees with a DBH of 8 inches or greater (compared to 368 trees with the DEIS Project). Prior to removal of the approximately 744 trees identified for removal in the area of the site for which a tree survey was conducted, a permit from the Town’s Building Inspector would be obtained in accordance with Chapter 308 of the Town Code. No unique trees were observed on the Project Site. A total of 898 new trees are proposed as part of the Applicant’s preliminary landscaping plan for the Preferred Alternative, which is significantly more than the DEIS Project. It is expected that the landscaping plan and related planting schedule will be subject to refinement during the site plan review process. See also Responses 6-2 and 6-3.

Comment 6-5:

Comments were received regarding the mitigation proposed for the Project's tree removal, including location and species of new plantings.

Applicant plans to move trees along the roadway, approximately 451 new trees would be planted on site. I'd like to know how many new deciduous and new trees would be planted along King Street and also what would be the minimum height of those trees. (DiGiacinto_010)

The applicant also proposes removing 368 trees. Although the applicant proposes planting 451 new trees, the scientific community argues that the preservation of existing mature trees plays a vital role in combating climate change. (Black_Krupa_CB_024)

A reduced grass area gives the property owner the opportunity to increase the size of planting beds, creating "islands" of trees, shrubs, and perennials beyond what is proposed. The proposed tree rows can be enhanced with a more diverse variety of native trees, shrubs, and perennials. The increased plantings can provide shade, impede soil erosion, aid water absorption and retention, inhibit excessive runoff and flooding, enhance air quality, provide a natural habitat for wildlife, and add to the aesthetic quality of the property. Once established, rooted, and growing, these plantings require very little care. Trimming, deadheading, feeding, etc. generally are done two to three times per year, depending upon the species, and are far less costly than regular turf maintenance. The cost of these added plantings would be off-set multi-fold, over time, by the reduced costs of turf maintenance.

Suggestions of varieties of native trees and shrubs include common names: shad blow, American holly, sweetbay magnolia, chokecherry, viburnum (some varieties), chokebeny, sweetshrub, buttonbush, summersweet, arctic fire red, and arctic fire yellow dogwood, red rover dogwood, bottlebush, inkberry, winterberry, sweetspire, blueberry juniper, mountain laurel, ninebark, beach plum, and rose bay rhododendron. There is also an extensive variety of native ferns, ornamental grasses, and flowering perennials.

In Chapter 6, Part D, "Mitigation Measures for the Proposed Project (DEIS)," it is stated "The applicant's schematic landscaping plan includes retaining and revegetating areas within the development with native species". Detailed in the preliminary landscape plan/schedule are four (4) plant species that are NOT native; Rutgers dogwood, sycamore, white fir, and Colorado blue spruce.

The preliminary landscape plan also proposes a "thick" concentration of plantings of evergreens and some deciduous trees along the King Street border of the property, primarily for screening and noise mitigation.

Calculating the median, mature width of the proposed trees to be planted along the King Street wall, i.e., the trees proposed to be planted next to each other, is over 1,300 linear feet. The distance between the corner of Cooney Hill Road and to the approximate end of the planting is less than 1,000 feet.

Including the trees that are proposed in the staggered row behind the "front" row, these plantings will grow into each other, crowding each other's growth and preventing them from reaching their mature size and aesthetic beauty. (Black_Krupa_CB_024)

Response 6-5: The Applicant's preliminary landscaping plan incorporates a substantial amount of new native plantings in the areas of the Project Site to be maintained as open space. As shown on the plan included as Figure 1-11 in FEIS Chapter 1, "Project Description," a variety of native trees, shrubs, and perennials are proposed, with adequate spacing to ensure healthy mature growth over time. Non-native trees have been removed from the planting list. A total of 898 new trees are proposed as part of the landscaping plan, which is significantly more than the DEIS Project. The landscaping plan and related planting schedule will be subject to refinement during the site plan review process.

Comment 6-6: Comments were received about the potential impacts to water quality from the Project's future use of fertilizers, pesticides, and fungicides.

In addition, the Conservation Board would like to see that any approved project site plan disallow the use of fertilizers, pesticides, and fungicides. (Black_Krupa_CB_024)

Increased chemical concentrations, including fertilizer and pesticide use, assumes safe applications when applied in accordance with manufacturers guidelines. This raises issues and concerns due to the multiple tenancy and ownership entities of the proposed project. (Black_Krupa_CB_024)

Another proposed project mitigation measure is stated: "Elimination and Minimization of Fertilizer, Pesticide, Herbicide, Fungicide and other chemical concentrations through avoidance and containment, respectively". The Board requests that the Applicant define and detail what is being eliminated, including where, on what, and what the applied alternatives are, if any. Even if the property owner adheres to the minimal use of chemicals, the usage must be recorded. Included in the record should be what is used, what it is used for, what is it used on, how much is used, when is it applied, and who applied it. The use of organic fertilizers, pesticides, and fungicides on vegetation is a strongly recommended alternative to chemicals. Herbicides are a different story. Chemical herbicides are far more effective. However, the Board does not support the use of Glyphosate based herbicides (aka round-up). (Black_Krupa_CB_024)

Response 6-6: Fertilizer and pesticide use, when applied in accordance with the manufacturer's guidelines, is not anticipated to have an impact beyond that of the Project Site's existing conditions. According to the Applicant, the integrated pest management plan (IPM) currently in place for the Project Site's existing office uses would be expected to remain in the future with the Preferred Alternative. Only reputable professionals, licensed and certified by the NYSDEC for the storage and application of these chemicals, would be contracted for landscaping services.

Comment 6-7: The Northeast Bald Eagle Project Screening Form link referenced in the DEIS is not correct. The correct link should be provided in the FEIS. The form appears to be located here:

https://www.fws.gov/northeast/pafo/pdf/NE_Bald-Eagle_Project-Screening-Form_rev20200416.pdf. The Applicant should complete the form and submit the form to the Lead Agency as part of the FEIS. (Kaufman_TNC_022)

Response 6-7:

Comment noted. The correct form is located at the following URL: <https://www.fws.gov/sites/default/files/documents/northeast-bald-eagle-project-screening-form-2021-12-01.pdf>. The form has been completed and is provided in **Appendix E** of the FEIS. As noted in FEIS Chapter 2, “Environmental Analyses,” the Applicant meets all the requested guidelines since the Project Site is over 0.5 miles from the known bald eagle nest and no other mitigation, beyond those measures included in the form and documented in Chapter 2, “Environmental Analyses,” is required.

Comment 6-8:

It was noted in the DEIS that the direct and indirect disturbances to vegetation, wildlife, and the environmental impacts due to the significant loss of trees are still unknown. Impacts to high quality habitat for wildlife, specifically the Indiana bat, Northern long-eared bat and bald eagle to name a few, have been identified as areas of concern, as these have been listed as the threatened or endangered species in this area of the Kensico waterways. (Black_Krupa_CB_024)

Response 6-8:

With the Preferred Alternative, measures identified for the DEIS Project to mitigate potential impacts to threatened and endangered species remain applicable. As discussed in FEIS Chapter 2, “Environmental Analyses,” while no Indiana bats or northern long-eared bats were observed on the Project Site during fieldwork, as a precautionary measure, the Applicant could limit tree-clearing activities between October 1 and March 31, unless the Applicant receives approval during Site Plan review from NYSDEC and the Planning Board that tree clearing can occur outside this time period. In addition, as recommended by the USFWS, the Applicant would ensure that no artificial dyes, coloring, insecticide, or algacide such as copper sulfate, will be placed in stormwater control structures on the site. Per the Northeast Bald Eagle Project Screening Form (see **Appendix E**), the Applicant meets all the requested guidelines since the areas of potential blasting are more than 0.5 miles from a known bald eagle nest and no other mitigation, beyond those measures included in the form and documented in Chapter 2, “Environmental Analyses,” is required.

CHAPTER 7: WETLANDS

Comment 7-1: No wetlands are to be disturbed at the Project Site. However, according to drawing C-302, small portions of two wetland buffer areas are proposed for development. The combined sum of the disturbed wetland buffer areas at both locations is about 2,800 square feet or 0.06 acres. After examining the Grading Plans, C-201 and C-202, these wetland buffer disturbances appear to be difficult to change and seem reasonable for their water quality benefits (Lake_WIG_023).

Response 7-1: Under the DEIS Project, approximately 0.19 acres of the wetland buffer would have been disturbed, including the emergency access gravel drive that was proposed, as discussed above. Under the Preferred Alternative, no direct impacts to the on-site delineated wetland would occur. The total disturbance to the 100-foot Town-regulated wetland buffer with the Preferred Alternative would be approximately 7,696 square feet, or 0.18 acres, or a decrease of 0.01 acres, or 567 square feet. However, unlike the DEIS Project, the Preferred Alternative does not include any impervious surfaces within the wetland buffer. The limited grading activities in the wetland buffer are associated with a proposed stormwater management basin, road and clubhouse. The removal of new impervious surfaces from the wetland buffer is a beneficial impact when compared to the DEIS Project and the current Site condition.

Comment 7-2: The Conservation Board request is that a Wetland Permit for this disturbance is sought in accordance with Town requirements and a plan with details for 2-1 mitigation be submitted to the Conservation Board for review, comment, and ultimate approval. (Black_Krupa_CB_024)

Response 7-2: The DEIS and FEIS acknowledge the requirement for a wetland buffer disturbance permit from the Planning Board in connection with site development. This permit would be sought at the time of site plan review. As discussed in Response 7-1 above, the 0.18 acres of disturbance to the buffer under the Preferred Alternative is necessary due to proposed grading activities associated with a stormwater management basin. Unlike the DEIS Project, which impervious surfaces associated with an emergency access drive within the wetland buffer, the Preferred Alternative does not propose any new impervious areas within the buffer. Therefore, the Preferred Alternative reduces impacts to the wetland buffer when compared both to the DEIS Project and the existing condition.

Comment 7-3: Page 1-17 of the DEIS indicates that there will be minor impacts to a Town regulated wetland buffer. Ideally, given the sensitive location of

the site adjacent to Kensico Reservoir, the proposed gravel access road could be reconfigured to avoid any impacts to wetlands or their buffers. (Garcia_NYCDEP_030)

Response 7-3: See response to Comment 7-2, above.

CHAPTER 8: STORMWATER MANAGEMENT

Comment 8-1: The project site is situated within the Kensico Reservoir Basin, a New York City Watershed area. As such, the project will be required to comply with regulations from the NYCDEP, NYSDEC and the Town of North Castle. The NYCDEP has acknowledged the prior approval of the Stormwater Pollution Prevention Plan (SWPPP) issued in June 2005 and has compared the prior approved plan to the current proposal. The NYCDEP has indicated that the project will be reviewed as an amendment to the original approval, requiring that all newly proposed impervious surfaces be captured and treated and receive appropriate runoff reduction. The applicant will be required to revise the plans and SWPPP as may be needed, to obtain the amended approval. In addition to approval by the NYCDEP, the plan will require coverage under the NYSDEC SPDES General Permit, GP-0-20-001, for Stormwater Discharges from Construction Activity as well as demonstrate compliance with Chapter 267, Stormwater Management of the Town Code. The owner will be required to file a Notice of Intent (NOI) with the NYSDEC to obtain the above-mentioned General Permit. The SWPPP should include a draft copy of the NOI for review. (Cermele_Kellard_KS_027)

Response 8-1: Comment noted. As indicated by NYSDEC, the Preferred alternative will be reviewed as a new project. A draft copy of the NOI is provided in Appendix M of the SWPPP.

Comment 8-2: The Wampus River and the Byram River are both County streams that flow through the Armonk hamlet just north of their confluence. The County Planning Board and the County Department of Public Works and Transportation have consistently advised the Town against the overdevelopment of new impervious surfaces near these waterways which are prone to downstream flooding. As our region continues to experience more frequent and intense rainstorms that have resulted from climate change, we are opposed to the concept of building more parking lots within this sensitive area to accommodate the parking demands created by irresponsible residential development. (Drummond_WCPB_020)

- Response 8-2:** The Preferred Alternative is not located within either the Wampus River or Byrum River watersheds.
- Comment 8-3:** The Conservation Board also recommends replacing all the proposed concrete walkways with pervious materials. (Black_Krupa_CB_024)
- Response 8-3:** The proposed walkway around the existing pond has been changed to porous pavement.
- Comment 8-4:** Chapter 8 of the DEIS mentions that increases in pollutant loading are generally attributed to lawn fertilizers and pet/animal wastes, which are common in residential developments and not considered significant when properly handled and treated through on-site storm water best management practices. The applicant should demonstrate how this claim could be substantiated given the significant increase in residential components on site. (Garcia_NYCDEP_030)
- Response 8-4:** A stormwater pollutant loading analysis was performed for each drainage area under existing and proposed conditions. See Section 2.B.6.a.(iv), “Pollutant Loading Analysis.”
- Comment 8-5:** The DEIS should include a comparison of pre- and post-development pollutant loading rates from the various alternatives. The peak discharge rates and increases in the volume of runoff for the various design storms and their significance at the various discharge points for each of the alternatives should also be included. Erosion control plans for the proposed alternatives must be included in the DEIS as these plans are necessary to demonstrate that impacts due to erosion and sedimentation during the construction phase for each alternative can be properly avoided and/or mitigated. These factors must be evaluated in sufficient detail for the various alternatives in order to make a reasonable judgment. (Garcia_NYCDEP_030)
- Response 8-5:** The DEIS provided sufficient information to allow a meaningful comparison of alternatives, including limits of disturbance and building coverage. This data provides a reasonable proxy for the magnitude of potential impacts that could be anticipated from the various alternatives. Analyses requiring detailed designs of each alternative are not required to give the Lead Agency sufficient information on which a decision may be based.
- Comment 8-6:** The Applicant concludes that the Proposed Project would not result in an increase to impervious surfaces when compared to the currently approved site plans or the prior residential condition in the Cooney Hill area, yet it

does represent an increase of approximately 2.2 acres of impervious surface when compared to the existing condition. Please have the applicant clarify. (Garcia_NYCDEP_030)

Response 8-6: The single family homes and their driveways, septic systems, oil tanks, etc., which were previously developed on the Project Site, have been removed, resulting in the difference between the prior residential condition and the current existing condition.

TECHNICAL COMMENTS ON THE PRELIMINARY SWPPP

Comment 8-7: Northeast Regional Climate Center (NRCC) meteorological data was paired with rainfall distribution data for Westchester County to evaluate water quantity. However, no supporting data is presented in Appendix A, Hydrology Existing Condition, to validate the assigned runoff curve numbers for the drainage areas to the design points and design lines. This information needs to be included in Appendix A. (Lake_WIG_023)

Response 8-7: The Extreme Precipitation Tables for the Project Site from the NRCC have been added to Appendix A of the SWPPP.

Comment 8-8: The time of concentration (T_c) is defined as the time required for a drop of water to travel from the most hydrologically remote point in a sub-catchment to the outlet. An accurate T_c is necessary to assure that excessive or erosive flows do not impact downstream reaches. Beginning on page 22/195 (page 519 DGEIS), the T_c is calculated using the unpaved coefficient for shallow concentrated flow (SCF). This out-of-date calculation is a remnant from Technical Release 55 (TR55) and should not be used for developing existing condition runoff discharges. (Pond Pack also appears to have this embedded into their hydrology calculations.) Technical Release 20 (TR20), Hydro CAD, or another more flexible model should be used to calculate the T_c , applying the unpaved coefficient for SCF. According to the U.S. Department of Agriculture National Resources Conservation Service's National Engineering Handbook, Section 4, Hydrology, Figure 15.2, there are coefficients for 9 different land cover surfaces for SCF or overland flow. TR55 only allows a "Paved" or "Unpaved" surface, which due to high velocity factors, shorten the T_c resulting in a prediction of higher existing condition runoff discharges rates and false peak discharges. Appropriate coefficients need to be used in all drainage area calculations. T_c concentrations need to be re-tabulated and the results need to be re-analyzed. (Lake_WIG_023)

- Response 8-8:** All coefficients used in the calculations follow TR-55, which is the industry standard and within the requirements set by NYSDEC and NYCDEP. The Applicant's engineer has confirmed with the Town's engineering consultant that this methodology is acceptable.
- Comment 8-9:** Comments were received regarding the preliminary Stormwater Pollution Prevention Plan (SWPPP), including suggestions about alternative data to use in calculations, additional calculations and evaluations to be performed, requests to add details to drawings including erosion and sediment control details, subsurface infiltration systems, labels, volumes, and measurements. (Lake_WIG_023, Cermele_Kellard_KS_027).
- Response 8-9:** Comment noted. This additional information will be provided during the Site Plan review process.
- Comment 8-10:** A Pollutant Load Assessment (PLA) was included in the PSWPPP. Although comprehensive, the PLA utilized data for loading rates and pollutant removal efficiencies that are over 25 years old. The 2018 "East of Hudson Watershed Corporation Stormwater Retrofit Project Design Manual Project Years 6-10" (<https://eohwc.org/wp-content/uploads/2018/02/SRP-DesignManual-Yr-6-10.pdf>), includes DEC event mean concentrations and assigned pollutant removal performance ratings for specific stormwater management practices. The PLA reviewed here needs to be updated using the East of Hudson Watershed Corporation values. (Lake_WIG_023)
- Response 8-10:** The existing PLA and proposed PLA have been updated with the East of Hudson Watershed Corporation values and are provided in Appendices D and E of the SWPPP, respectively.
- Comment 8-11:** Page 1346/1852 of the DGEIS, Appendix F of the PSWPPP, provides a porous pavement worksheet and presents calculations for "permeable interlocking concrete pavers" (PICP). However, PICP do not act like porous pavement (PP). PICP only allows infiltration at the joints, whereas PP allows water to infiltrate across its whole surface. For this reason, PICP are generally assigned a runoff curve number based on the open area of the joint versus the entire pavement area. These pavers need to be re-evaluated to demonstrate their ability to allow water to pass through to the porous drainage layer beneath the paver blocks. (Lake_WIG_023)
- Response 8-11:** Comment noted. PICP are no longer proposed with the Preferred Alternative.

- Comment 8-12:** No stormwater management practice (SMP) details were presented as part of the PSWPPP submittal. These details and associated drawings must be provided to assure compliance with all criteria and permit obligations. (Lake_WIG_023)
- Response 8-12:** Comment noted. SMP details will be provided during the Site Plan review process.
- Comment 8-13:** No erosion and sediment control (ESC) details were presented in the PSWPPP design drawings. These details, which provide pertinent data and dimensions, must be added to the SWPPP to assure compliance with the General Permit (GP-0-20-001). (Lake_WIG_023)
- Response 8-13:** Comment noted. ESC details will be provided during the Site Plan review process.
- Comment 8-14:** A note needs to be added to the PSWPPP on drawing C-401 addressing how and where waste material from clearing and grubbing operations will be disposed. (Lake_WIG_023)
- Response 8-14:** Comment noted. A note has been added to the PSWPPP and drawing C-401 regarding waste material from clearing and grubbing.
- Comment 8-15:** Two subsurface infiltration systems (SSISs) need to be added to drawings C-100 and C-101. (Lake_WIG_023)
- Response 8-15:** One subsurface infiltration system is now proposed with the Preferred Alternative. The subsurface infiltration system is shown on drawings C-301 and C-401.
- Comment 8-16:** Three SSISs need to be added to drawing C-201. (Lake_WIG_023)
- Response 8-16:** The outline of the subsurface infiltration system is shown on drawing C-201.
- Comment 8-17:** On drawing C-202, all 3:1 constructed slopes are required to be labeled and covered with a rolled erosion control product (RECP) as part of the proposed site stabilization. These slopes should also be designated and shaded in the erosion and sediment control plan sheets C-401 and C-402. (Lake_WIG_023)
- Response 8-17:** Comment noted. All proposed slopes are 3:1 or flatter. If any slopes change to steeper than 3:1 during Site Plan Approval, they will be covered with RECP.

- Comment 8-18:** Generally, a disturbance limit boundary of at least 15 feet beyond the actual grading limits is shown on site plans. This 15-foot buffer allows for several field activities, such as stripping of topsoil for slopes, equipment movement, and maintenance of required erosion and sediment control practices. For the Project, it appears the disturbed limit shown on the drawings is right at the edge of the proposed completed work and does not allow for supplemental construction activity. These boundary limits need to be expanded to accommodate and support the proposed field work. (Lake_WIG_023)
- Response 8-18:** Comment noted. All silt fences were placed as close to the disturbed area as possible in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
- Comment 8-19:** On drawing C-401, the concrete truck washout station needs to be relocated from the west swale, out of the watercourse and away from the catch basin. (Lake_WIG_023)
- Response 8-19:** Revised concrete truck washout stations associated with the Preferred Alternative are shown on drawings C-401 and C-402.
- Comment 8-20:** For the sediment trap and sediment basin located on drawings C-401 and C-402 respectively, the drainage area and sediment volumes must be shown on the drawings. (Lake_WIG_023)
- Response 8-20:** The drainage area and sediment volume for the sediment traps and sediment basin are shown on drawings C-401 and C-402.
- Comment 8-21:** Stone check dams need to be placed on the plan view on drawing C-401, as noted in Note #9, Multifamily Phase Sequence. The numbering order for the general Notes column needs to be corrected. In addition, the Sequence Notes call for the topsoil stockpiles to be covered. The PSWPPP needs to specify the type of cover material to be used, such as seed and mulch or plastic sheeting. (Lake_WIG_023)
- Response 8-21:** Comment noted. Stone check dams have been added to the ESC plans and the plan notes. The PSWPPP notes have been revised accordingly.
- Comment 8-22:** On drawing C-402 the soil stockpile area is shown outside the disturbed area limit. This needs to be corrected. (Lake_WIG_023)
- Response 8-22:** Comment noted. All soil stockpiles are now shown within the limits of disturbance.

Comment 8-23: Recent research has shown that many stormwater treatment practices can export higher concentrations of total phosphorus (TP) than are present in their influent. Results published in the International Best Management Practices (BMP) Database: 2020 Summary Statistics, https://www.waterrf.org/system/files/resource/2020-11/DRPT-4968_0.pdf show that bioretention cells, grass strips and bioswales can export as much as 39.5 percent higher event mean concentrations (EMC) of TP. Grass roofs can also increase these values even higher if not properly designed. The final design of the soil/media mix should ensure that no increase in TP load will result from the practice. (Lake_WIG_023)

Response 8-23: Comment noted. Green roofs are no longer proposed. The soil/media mix will be in accordance with NYSDEC requirements.

Comment 8-24: The plans should include planting plans for each of the vegetated stormwater treatment systems including species, size and quantities of each planting material. (Cermele_Kellard_KS_027)

Response 8-24: Comment noted. Detailed planting plans will be prepared during the Site Plan review process.

Comment 8-25: The plans should include construction details and cross-sections of the various practices, as appropriate, to support the provided sizing calculations and demonstrate compliance with the design guidelines and specifications. (Cermele_Kellard_KS_027)

Response 8-25: Comment noted. This information will be provided during the Site Plan review process.

CHAPTER 9: UTILITIES

Comment 9-1: Comments were received regarding the DEIS Project's estimated water usage, as well as the impacts of that demand on groundwater.

Based on the Conservation Board's review and understanding of the available background material related to water usage and supply, we do not believe that the proposed project can proceed as currently proposed. In particular, the Conservation Board believes that this project cannot proceed until:

- It has been conclusively determined that on-site wells can provide 100 percent of the water required for residential and commercial use, irrigation, and fire protection. This determination has not yet been made/completed, and/or
- Plans are submitted, reviewed, and approved for connecting this project to Town or other water sources. We do not believe that such plans have been submitted.

Until the applicant can assure the Conservation Board and the Town Board that an adequate supply of water will be available, we do not believe that this project as currently proposed can proceed. (Black_Krupa_CB_024)

While Swiss Re is generally supportive of the Airport Campus initiative, it remains concerned about the impact of the proposed rezoning on water supply and water quality. Based on analysis of water demand on the Swiss Re site completed by Swiss Re, the maximum water usage for the building and cooling tower for the existing Phase 1 Building on its property was recorded to be approximately 54,000 gallons per day (“gpd”). In addition, Swiss Re has the ability, and previously received approval for another similar building on its property, which could have equivalent demands as the Phase 1 Building. As such, the potential level of water usage on the Swiss Re property appears significantly greater than the estimated volume of 13,740 gpd that would be projected using the New York State Design Standards for Intermediate Sized Wastewater Treatment Systems, (2014), as reported in the Airport Campus DEIS. (Richmond_Z&S_025)

In connection with this, Swiss Re would be pleased to participate in future discussions on water demand and supply, including future discussions with the County of Westchester and the Town of North Castle on alternative measures beyond on-site well water to meet future water demand, including extension of public water supply facilities along King Street. (Richmond_Z&S_025)

Average daily water demand for the project is estimated to be 58,600 gpd. The estimate does not include irrigation supply which will be supplied from the on-site pond or fire supply which would be stored within tanks at the multifamily building. (Cermele_Kellard_KS_027)

NYS Regulations require that a well supply serving a water system be able to supply twice the average daily demand with the best producing well out of service. Water supply for the project is proposed from four (4) existing on-site wells (Wells 3, 6, 7 and 8), which range between 620–760 feet deep. The applicant performed a 72-hour pump test of the four (4) on-site wells servicing the project. The combined well yield of the test was 108.5 gpm, however, with the best well out of service, the combined yield of the remaining wells is 68.5 gpm or 98,640 gpd. The proposed project requires a combined yield of 117,200 gpd ($58,600 \text{ gpd} \times 2 = 117,200 \text{ gpd}$). A deficit of 18,560 gpd or 12.9 gpm. (Cermele_Kellard_KS_027)

The applicant notes within the report two (2) options available to obtain the required supply. Should the project be approved as presently proposed, the applicant will need to develop and test the additional supply. (Cermele_Kellard_KS_027)

Laboratory results of water quality testing of the four (4) proposed supply wells for the project have not yet been provided. (Cermele_Kellard_KS_027)

Although pumping tests were performed for the on-site wells, it is important to understand whether the aquifer can be replenished during drought conditions at a rate which can support the project, as well as support the rezoned parcels. (Cermele_Kellard_KS_027)

Response 9-1:

As discussed in FEIS Chapter 2, “Environmental Analyses,” the Preferred Alternative is anticipated to generate approximately 53,810 gallons per day (gpd) of water demand (including potable water and sanitary wastewater), approximately 4,790 gpd less than the 58,600 gpd that was calculated for the DEIS Project. Water for on-Site irrigation would continue to be sourced from the existing on-site pond and, if permission is received from the County, one or more on-Site wells. It is conservatively estimated that 65,000 gpd would be used to irrigate the existing and proposed lawn and landscaped areas.

Unlike the DEIS Project, which contemplated the use of on-site wells to supply water, the Preferred Alternative’s water would be supplied through connection to North Castle Water District #8. As a component of the Preferred Alternative, the municipal water system would be extended from its northern terminus at New King Street into the Project Site, adequately sized to supply the Project Site as well as further extension to the Town. On the Project Site, the Applicant would construct up to a 300,000-gallon water storage tank, to provide both domestic and fire water, as required by the Fire Code for the Preferred Alternative’s supply requirements. The tank would be placed behind the proposed parking structure near the converted multifamily building on the Site. In addition, the Applicant would construct a water booster pump station adjacent to the water storage tank in order to provide adequate pressure and flow to the Project. The Applicant is in discussions with the Westchester Joint Waterworks, the Westchester County Department of Health, and the Town of North Castle to determine the final sizing of the water tank and associated infrastructure that may be required. The final sizing of the infrastructure would be approved as part of a future site plan review. As such, the Project Site would be served with municipal water that has the capacity to meet the anticipated demand of the Preferred Alternative. The existing on-site pond and one or more of the existing on-Site wells may still be utilized for irrigation purposes, to the extent feasible and permitted by the County.

Comment 9-2:

Average daily flows for office space were changed between the project calculations provided herein and the previous calculations within the Engineering Report used when the sewer system was originally approved and constructed. Previous values used a flow per square feet for office space while the new calculations use a flow per employee, resulting in significantly lower flow values. This is an acceptable method of determining average daily flows by the Health Department when the employee population can be pre-determined. The applicant also used a multiplier of 3.39 when converting average daily flow to peak hourly

flows. The standard acceptable by the Health Department is 4.0. Peak flow values should be corrected. (Cermele_Kellard_KS_027)

Response 9-2: Comment noted. The Preferred Alternative does not contain office uses. Daily water demand calculations for the Preferred Alternative in Chapter 2, “Environmental Analyses.”

Comment 9-3: The applicant has examined the existing sanitary sewer infrastructure servicing the project site and parcels to be rezoned. Wastewater demand was estimated and utilized in determination of the necessary improvements to the existing sanitary sewer infrastructure. The study reveals that no modifications are required to the Town or County collection system or force mains to service the project. Pump Station #2 at King Street and #3 at New King Street will require upgrades to meet present Health Department regulations. Work would include modifications to the wet wells and new pumps at each pumping station. (Cermele_Kellard_KS_027)

Response 9-3: Comment noted. It is the Applicant’s understanding at this time that wet well modifications will be necessary at Pump Stations #2 and #3, but that new pumps are not needed.

Comment 9-4: Comments were received regarding the mitigation proposed for the Project’s sanitary sewer impacts, including through reductions in Inflow & Infiltration (I&I) and other means.

Drummond WCPB_020: While the DEIS includes a discussion regarding the need for nearby pump stations to be upgraded to current standards, the document did not include the reduction of inflow and infiltration (I&I) from the existing infrastructure as a mitigation measure to offset the increase in flow that the development would add to the Blind Brook Sewer District.

The FEIS must include a discussion regarding the County Department of Environmental Facilities’ policy requiring the applicant to identify mitigation measures that will offset the projected increase in flow through I&I at a ratio of three for one. In particular, the FEIS should provide specific details on how implementation of these improvements is to be accomplished. For example, will the applicant be required to place funds into a dedicated account for I&I work based on a per gallon cost of removal of flow through I&I? How will I&I projects be identified? Who will conduct the work and in what timeframe?

The County Planning Board further recommends that the Town implement a program that requires inspection of sewer laterals from private structures for leaks and illegal connections to the sewer system, such as from sump pumps. These private connections to the system have been found to be a significant source of avoidable flows. At a minimum, we encourage the Town to enact a requirement that a sewer lateral inspection be conducted at the time property ownership is transferred and any necessary corrective action be enforceable by the municipal building inspector.

The daily flow report included within Appendix F-2 provides a total daily flow per day between 11/13/2018–12/6/2018 and includes the corresponding daily rainfall totals. It is evident from the report that flows are higher during periods of significant rainfall events. The applicant should examine inflow and infiltration of the existing system in an effort to reduce such unwanted flows. Such a study would be appropriate during the site plan review phase of the project. (Cermele_Kellard_KS_027)

Response 9-4: The Applicant would mitigate the increase in the Preferred Alternative’s sanitary sewer flow at a rate of 3 to 1. The method by which this mitigation would occur would be coordinated with the Town Engineer during site plan review and approval.

Comment 9-5: Comments were received questioning whether there is sufficient groundwater supply to serve the full build out of the DOB-20A as considered in the DGEIS.

The DGEIS estimates the total water supply to service full development of all rezoned parcels to be 146,300 gpd. This would require the development of 292,600 gpd of well supply with the best wells on each parcel not included. The ability of the rezoned parcels to support the required supply for the complete district has not been analyzed within the report. (Cermele_Kellard_KS_027)

The April 5, 2021 submission of the Draft EIS included an evaluation of the aquifer. The watershed utilized within the applicant’s evaluation did not follow the surface contours of the area and appeared significantly larger than our estimate. The applicant noted their evaluation included a combination of analytical tools useful for water resource planning. Our comments at that time requested that the applicant provide the backup data to support their assessment. Instead of providing the requested data, the aquifer evaluation was removed for the report.

The previous report expanded the watershed to 282.2 acre encompassing portions of the reservoir, lands down gradient of the project site and portions of Citigroup and Swiss Re properties.

The report estimated a drought year recharge of 118,740 gpd well below the 146,300 gpd required for all parcels included within the rezoning, a 27,560 gpd deficit. The applicant should substantiate the recharge expected at the project site and also the expected recharge for the proposed rezoned parcels. (Cermele_Kellard_KS_027)

Response 9-5: As discussed in FEIS Chapter 1, “Project Description,” in response to evolving market needs as well as comments received on the DEIS, the Applicant has amended its original petition to request that the Town Board map the Senior Housing Portion of the Site within the Town’s existing R-MF-SCH Zoning District, and map the Townhouse Portion of the Site within the Town’s existing R-MF-A Zoning District. The Preferred Alternative will repurpose the Project Site’s southernmost office building as approximately 50, 2-bedroom apartments in an age-

restricted (55+) multifamily building, and will construct approximately 125, 2-story, 3-bedroom townhomes.

The DEIS prepared by the Applicant, and accepted by the Lead Agency, included consideration of the potential, hypothetical, development of sites other than the Project Site (including Swiss Re) that could theoretically be permitted by the DEIS Zoning. These potential impacts were analyzed in the “generic” portion of the document, also referred to as the Draft Generic Environmental Impact Statement (DGEIS). As the Applicant has requested that the Town Board defer further consideration of zoning amendments that directly affect sites other than the Project Site while it considers the Revised Proposed Zoning, a Final Generic Environmental Impact Statement (FGEIS) is not required to, and has not, been prepared.

The Applicant will petition the Town of North Castle to include the Project Site within the North Castle Water District #8. As a component of the Preferred Alternative, the municipal water system would be extended from its currently proposed northern terminus of New King Street to the Project Site, adequately sized to supply the Project Site as well as further extension to the Town. On the Project Site, the Applicant would construct up to a 300,000-gallon water storage tank, to provide both domestic and fire water, as required by the Fire Code for the Preferred Alternative’s supply requirements. The tank would be placed behind the proposed parking structure near the converted multifamily building on the Site. In addition, the Applicant would construct a water booster pump station adjacent to the water storage tank in order to provide adequate pressure and flow to the Project. The Applicant is in discussions with the Westchester Joint Waterworks, the Westchester County Department of Health, and the Town of North Castle to determine the final sizing of the water tank and associated infrastructure that may be required. The final sizing of the infrastructure would be approved as part of a future site plan review. As such, the Project Site would be served with municipal water that has the capacity to meet the anticipated demand of the Preferred Alternative.

Comment 9-6:

The DEIS fails to note that NYCDEP approval will be required for the proposed sewage system/sewage connection pursuant to Section 18-37(c) of the *Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and its Sources (Watershed Rules and Regulations)*. The applicant should note this permit requirement preferably in the Executive Summary Section 1A.4. (Garcia_NYCDEP_030)

Response 9-6: The above-referenced approval is noted and referenced in Sections 1.B and 2.B.7 of Chapter 2 of the FEIS.

CHAPTER 10: TRAFFIC AND TRANSPORTATION

Comment 10-1: Comments were received regarding the trip generation of the DEIS Project and how it would compare with a project that was all residential.

In terms of the traffic studies that were done, you're saying that the traffic trips that would arise under this would be less than if it were all office. The basic question I have is whether those trips would be at the same times or different times? In some ways they appear countercyclical, which can be a good thing with residential. (Berra_002)

I request that you include a table similar to Table 10-1, which is Site Generated Traffic Volume Comparisons. And if the entire parcel were to be residential. I would like to see a table showing those traffic volumes. (DiGiacinto_010)

Response 10-1: The Applicant's Preferred Alternative is exclusively residential. As discussed in FEIS Chapter 2, "Environmental Analyses," the Preferred Alternative would generate significantly less traffic when compared to the DEIS Project and significantly less traffic than if the Project Site's existing office buildings were re-occupied with office uses.

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

When compared to the DEIS Project, the Preferred Alternative would result in 171 fewer total trips during the Weekday Peak AM Hour, 90 fewer total trips during the Weekday Peak Midday Hour, and 186 fewer total trips during the Weekday Peak PM Hour. FEIS **Appendix F** contains a technical memorandum completed by Colliers Engineering and Design (the Applicant's traffic engineer), which provides trip generation, arrival/departure distributions for the proposed apartments and townhomes, and the resulting traffic volumes and levels of service analyses for the study area intersections.

Comment 10-2: Page 10-6 – Chapter 10.D.1.a., Appendix G-1, Section H and Figures 24 through 31-A (Site Traffic Distribution): The site traffic distribution used

	in Figure 24 for the Hotel and Apartments arrivals is incorrect, as it has all volumes using the Cooney Hill Road access drive and the directional distribution is incorrect when compared to the departure distribution. Figure 24-A is correct. (Galante_H&H_021)
Response 10-2:	Traffic volume figures for the Preferred Alternative have been updated and are contained in FEIS Appendix F .
Comment 10-3:	The site traffic distribution used in Figure 30 for the Townhouses arrivals is incorrect, as it has all volumes using the NYS Route 120 access drive and the directional distribution is incorrect when compared to the departure distribution. Figure 30-A is correct. (Galante_H&H_021)
Response 10-3:	Traffic volume figures for the Preferred Alternative have been updated and are contained in FEIS Appendix F .
Comment 10-4:	10-5 through 10-7 – Chapter 10.D.1.a., Appendix G-1, Section G and Figures 32 through 40-A (Site Traffic Generation): The errors found in the distribution figures were not carried over into the site traffic generation figures. The site traffic generation and assignment figures are appropriate. On Page 10-6, paragraph below Table 10-1, during the weekday morning peak hour there are 108 fewer trips entering, not 103 trips. (Galante_H&H_021)
Response 10-4:	Traffic volume figures for the Preferred Alternative have been updated and are contained in FEIS Appendix F .
Comment 10-5:	NYS Route 120 at Swiss Re/IBM Access Drives – The southbound right turn channelized lane should have been set to free not permitted in the timing settings; however, this improves the operations for the southbound right turn lane, southbound approach ,and intersection overall Levels of Service. The phasing does not match the timing plan; however, this was done to provide the HCM 6th Edition results required by NYSDOT and is acceptable. (Galante_H&H_021)
Response 10-5:	The analyses for NYS Route 120 at Swiss Re/IMB Access Drives have been updated accordingly and are contained in FEIS Appendix F .
Comment 10-6:	NYS Route 120 at American Lane South/113 King Street Driveway – The phasing does not match the timing plan; however, this was completed to provide the HCM 6th Edition results required by NYSDOT and is acceptable. Based on our field visit, the northbound left turn protected arrow into the site was never activated and possibly the detection is not working. (Galante_H&H_021)

- Response 10-6:** Comment noted. With the redevelopment of the Project Site, the northbound left turn phase can be activated.
- Comment 10-7:** NYS Route 120 at Gateway Lane – The phasing does not match the timing plan; however, this was completed to provide the HCM 6th Edition results required by NYSDOT and is acceptable. The Phase 5 split should have been 45 seconds during the weekday morning peak hour; however, this does not change the results of the analysis. (Galante_H&H_021)
- Response 10-7:** The analyses for NYS Route 120 at Gateway Lane have been updated and are contained in FEIS **Appendix F**.
- Comment 10-8:** NYS Route 22 at Broadway/Sir John’s Plaza – The phasing does not match the timing plan; however, this will not change the results of the analysis. (Galante_H&H_021)
- Response 10-8:** Comment noted.
- Comment 10-9:** NYS Route 22 at Central Westchester Expressway/Reservoir Road/Church Street – Based on a field visit, the eastbound approach should be a left turn only and shared left/through/right lane. (Galante_H&H_021)
- Response 10-9:** The analyses for NYS Route 22 at Central Westchester Expressway/Reservoir Road/Church Street have been updated accordingly and are contained in FEIS **Appendix F**.
- Comment 10-10:** Based on our review of the capacity tables, there are a few minor needed corrections. At the intersection of NYS Route 22 and North Broadway/Sir John’s Plaza, the intersection overall Level of Service during weekday morning peak hour for the build conditions with DEP Improvements should have been “B” not “C.” At the intersection of NYS Route 22 and Central Westchester Expressway & Reservoir Road/Church Street, the intersection overall Level of Service during weekday afternoon peak hour for the existing conditions should have been “E” not “D.” (Galante_H&H_021)
- Response 10-10:** The Level of Service summary table has been updated accordingly and is contained in **FEIS Appendix F**.
- Comment 10-11:** Page 10-18 – Chapter 10.D.7 and Figure 10-2 and Appendix G-1, Section L (Stopping Sight Distance (SSD) Analysis): The requirements for SSD should be adjusted for approach grades, as Cooney Hill Road has a downhill grade from east to west. Also, the profiles should have an object

height of 2.0 feet at the site driveway, not 3.5 feet as shown. Also, based on a field visit, there is a concern with limited sight distance exiting Cooney Hill Road onto NYS Route 120 (King Street) in both directions. The Applicant should provide an ISD analysis for this intersection and offer any mitigation to improve ISD based on required standards. (Galante_H&H_021)

Response 10-11: The Cooney Hill Road access to the Preferred Alternative has been modified to be one-way, permitting traffic into the Project Site only. Vehicles departing the Project Site would be required to use the King Street access. As such, the SSD and ISD are no longer relevant to the Preferred Alternative.

Comment 10-12: Page 10-19 – Chapter 10.E (Mitigation): Based on a review, the Applicant provided possible timing changes to the intersection of NYS Route 120 at Gateway Lane during the weekday afternoon peak hour. Based on the results of the analysis, there is a significant impact to the southbound lane group and approach of 103.4 seconds and the intersection overall of 34.8 seconds during the weekday afternoon peak hour. The Applicant should provide improvements to this intersection for the proposed project. Also, any improvements to this intersection’s signal timings will need to include intersection of NYS Route 120 at New King Street, as these two intersections are coordinated. It is recommended that the Applicant explore as part of the improvements to the NYS Route 120 at Gateway Lane intersection a southbound left turn advanced left turn arrow, as well as the feasibility of a southbound left turn lane. With the timing changes provided, the northbound and southbound lane groups will continue to operate over capacity at a volume to capacity ratio of 1.09 and 1.00 and delays just below an “F” at 79.1 seconds on the southbound approach.

As noted in Comment 6b, based on a field visit, the northbound left turn protected arrow into the site was never activated and possibly the detection is not working. The Applicant should consider upgrading the detection for the northbound left turn, as well as the American Lane South and 113 King Street Driveway approaches and revising the timing plan to have no recall on the American Lane South and 113 King Street Driveway approaches, as well as the northbound left turn.

The results of the analysis indicate that the I-684 southbound off-ramp to Airport Road will continue to operate at a Level of Service “F” (long traffic delays) during the weekday morning peak hour, with a significant increase in vehicle delay of 93.1 seconds and the volume to capacity ratio which will change from 2.269 to 2.472 and the 95th percentile queue increasing from 1,328 feet to 1,400 feet. The Applicant should discuss if

there are any mitigation options possible to address these impacts. This represents significant traffic delays, which require mitigation, where feasible. (Galante_H&H_021)

Response 10-12:

As summarized in FEIS Chapter 2, “Environmental Analyses,” and FEIS **Appendix F**, the Preferred Alternative will generate significantly less traffic than the DEIS Project, or the re-occupancy of the two existing office buildings, which is considered the “No Build” condition.

NYS Route 120/Gateway Lane (Intersection 8)

The Preferred Alternative is anticipated to generate 26 vehicles (6 making the left) on the shared southbound approach during the noted weekday afternoon peak hour. As shown on the updated Level of Service Summary Table in FEIS **Appendix F**, the southbound delay would be significantly reduced from the No-Build Condition (reduction of 46.4 seconds) as would the overall intersection delay (reduction of 25.8 seconds) during the weekday afternoon peak hour.

With the Preferred Alternative and potential signal timing changes discussed in **Appendix F**, the overall intersection is projected to operate at an improved Level of Service “C” with an improved Level of Service “D” on the southbound approach as compared to the No Build condition during the weekday afternoon peak hour.

Based on the results of the analysis and anticipated additional site generated traffic, a separate left turn lane has not been considered. It should be noted that given the location of the reservoir, it is unlikely that this improvement could be made given the approval required.

In addition, the NYS Route 120/New King Street intersection analysis has been updated to optimize the off-sets to maximize coordination between the two intersections.

Airport Road/I-684 SB On/Off Ramp (Intersection 12)

As shown on the updated Level of Service Summary Table for the Preferred Alternative (see FEIS **Appendix F**), the increase in delay would be reduced from the noted 93.1 seconds to 42.6 seconds during the weekday morning peak hour (when compared to the DEIS Project). It should be noted that improved Level of Service and delays will be experienced during the weekday midday and weekday afternoon peak hours when compared to the No-Build condition.

It should be noted that for unsignalized intersections, it is not uncommon for the side road (minor approach) to operate with delays while the major road operates at better Levels of Service. A potential mitigation for

unsignalized intersections would be signalization, however it is likely that this intersection would not meet the required traffic signal warrants.

NYS Route 120/113 King Street/American Lane S. (Intersection 7)

See Response 10-6. With the redevelopment of the Project Site, the northbound left turn phase can be activated.

Comment 10-13:

Comments were received regarding the walkability of the site and opining that the Applicant consider bicycle mobility as it further develops the site plan. (Drummond_WCPB_020)

We note that the site plan shows sidewalks and paths within the interior of the site, connecting the various buildings. However, the site plan does not contain pedestrian connections between the site's buildings and King Street or Cooney Hill Road. Connections between the buildings and road frontages is an important consideration, especially due to the location of a Bee-Line bus stop located at the intersection of the site's driveway and King Street. The lack of a pedestrian connection along this driveway creates an unsafe and unequitable environment for those needing to access jobs or services on the site using Bee-Line buses. This will be especially problematic if medical offices are considered for the site since transit services are often used by patients seeking access to medical appointments. The Town should not approve the site plan for any mixed-use development on this site without this basic and essential form of access. (Drummond_WCPB_020)

As new regulations are being considered for the DOB-20A district, we encourage the Town to consider the role of bicycle mobility in developments across all DOB-20A zoned sites and their proximity to the intersection of King Street and Route 22. Both roads are popular with cyclists, which is recognized by the Town's Comprehensive Plan which discusses a vision of a multi-use path along the Route 22 corridor. We recommend the proposed zoning amendments and site plan account for this and consider how bicycle mobility and access can be provided internally within each campus as well as beyond, with potential connections to adjacent properties that create a larger network of mobility that can include both King Street and Route 22. We point out that Plainsboro Township, New Jersey has had some successes with office campus conversions that have included new multi-use path segments that ultimately became part of a larger network. We encourage North Castle to think similarly about how the reinvention of these campuses can be leveraged to expand non-motorized transportation. (Drummond_WCPB_020)

Response 10-13:

As discussed in FEIS Chapter 1, "Project Description," in response to evolving market needs as well as comments received on the DEIS, the Applicant has amended its original petition to request that the Town Board map the Senior Housing Portion of the Site within the Town's existing R-MF-SCH Zoning District, and map the Townhouse Portion of the Site within the Town's existing R-MF-A Zoning District. The Applicant is no longer proposing text changes to the DOB-20A Zoning District, and no adjacent sites in the DOB-20A district would be affected

by the Applicant's amended petition. The Preferred Alternative would repurpose the Project Site's southernmost office building as approximately 50, 2-bedroom apartments in an age-restricted (55+) multifamily building, and will construct approximately 125, 2-story, 3-bedroom townhomes.

The Applicant recognizes the importance of providing safe access to the existing Bee-Line bus stop along King Street and safe connections for bicyclists to access the Route 22 and King Street corridors. As discussed in FEIS Chapter 2, "Environmental Analyses," the Preferred Alternative's residential use (absent a hotel and office use) would generate significantly less vehicle trips during peak hours, and traffic internal to the site will be comparable to other age-restricted developments in the Town. The proposed internal circulation drives would be a minimum of 24 feet wide and designed to safely accommodate pedestrians and bicyclists. Details of crosswalks, sidewalks, and traffic calming measures within the development would be finalized during the site plan review process. It is also noted that the Preferred Alternative would include the development of on-site walking paths. The determination of whether sidewalks will be included within the Project Site will be made at the time of Site Plan review.

Comment 10-14:

This project, along with other proposed projects near the Armonk Hamlet, may create unacceptable traffic, parking and congestion impacts within the hamlet area. The Town has recently completed the Armonk Parking Study. Part of the report notes that "a 20 percent increase in downtown activity, for example, generated by the new near downtown households and hotel rooms, would result in peak-hour occupancy measures closer to the low-end of the model projections – 577 parked cars, compared to the model projection of 574 parked cars. Such a dramatically positive response to these new developments, in terms of increased downtown shopping, dining, and other activity, would utilize about 86 percent of the existing supply. (Kaufman_TNC_022)

In a well-managed system, this is an optimal balance of demand/supply efficiency. This suggests that there is significant capacity to accommodate increased downtown activity, particularly with the implementation of parking management strategies outlined in this report.

As more downtown and near downtown development continues, however, the Town may want to plan for supply expansions to accommodate peak parking demand of closer to high-end of the model projections—663 parked vehicles—which would suggest an optimal, well-managed supply of 730-765 spaces."

Given the recommendations of the report, the Lead Agency will begin planning for expanded parking in the Armonk hamlet. The Applicant should indicate whether consideration would be given to contributing toward this goal as part of a Community Benefits Agreement. (Kaufman_TNC_022)

Response 10-14: The Preferred Alternative is a significantly less-intense development of the Project Site than the DEIS Project in terms of the density, intensity, and mix of uses. It is also a less intense use than if the current office buildings were re-occupied. As such, the Preferred Alternative would not contribute to a potential increase in demand for parking in the hamlet from the condition that could occur if the existing office buildings were reoccupied. As noted in the DEIS, the Lead Agency anticipated the possibility of a Community Benefit Agreement (CBA), or some other mechanism, that could be established to financially assist the Town in implementing long-term parking solutions for the hamlet, if warranted. The Applicant is not proposing to make a financial contribution to the Town's downtown parking plans as part of a project CBA. The Applicant notes that the Project's community benefits include stabilizing and growing the Town and School District's future property tax revenue through redevelopment of the Site, extending the public water system approximately one-mile at significant cost to the Applicant and the Applicant's installation of additional public water improvements on the Project Site that will be conveyed to the Town's Water District(s) and benefit the Armonk hamlet in the future as part of the Town's long range water plans for the hamlet.

Comment 10-15: The DEIS acknowledges that the placement of a high-density apartment building in this isolated location could add to cumulative traffic and parking impacts in the Armonk hamlet. While the DEIS discusses a potential community benefit agreement that could assist with the construction of more parking in the hamlet, a better solution would be for the Town to focus on creating more residential development that is walkable to the Armonk hamlet. (Drummond_WCPB_020)

Response 10-15: Comment noted. See Response to Comment 10-14.

Comment 10-16: The Applicant should depict on the plans and describe a bus stop along NYS Route 120 or Cooney Hill Road. The proposed bus stop should be located in a convenient, and safe, location for students and families. It should be noted, that it is the Lead Agency's understanding that the Byram Hills Central School District will only make bus stops on public roads. (Kaufman_TNC_022)

- Response 10-16:** Comment noted. The Applicant will work with the School District to identify the appropriate location for future potential bus stop(s) at the time of Site Plan review. The decision on whether to include sidewalks connecting to the bus stop will also be made at the time of Site Plan review. The existing location of the Bee-Line bus stop along King Street would remain the same.
- Comment 10-17:** It is noted that each parking space is required to be accessible. It is not clear whether the proposed 4 off-street parking spaces for each residential Townhome will be accessible. If the garage spaces are inaccessible when cars are parked in the driveway spaces, only two spaces could be counted in that scenario. In addition, the Applicant is proposing to share required parking between the office and hotel. Since hotel parking would be required during typical office occupancy, the Applicant should further explain the rationale for the proposed shared parking arrangement. (Kaufman_TNC_022)
- Response 10-17:** A shared parking arrangement is no longer proposed since the office and hotel uses have been removed as part of the Applicant's Preferred Alternative. The Preferred Alternative has been designed to meet and exceed the R-MF-SCH zoning district requirements for parking (two parking spaces per dwelling unit), and to meet and exceed the R-MF-A zoning district requirements for parking (two parking spaces per dwelling unit). For the townhomes, space available to park four cars is provided; each townhouse would have two garage spaces, plus enough space in each driveway for two additional parked cars. In terms of zoning compliance, it is understood that the Town would only count spaces that could be continuously accessible and, therefore, each townhouse would have two "parking spaces" as required by the Town. In addition, there would be approximately 22 guest parking spaces within the townhouse area, near the proposed clubhouse.
- Comment 10-18:** The applicant notes that in accordance with the DEIS Scoping Document, traffic resulting from the full occupancy of the office building on the Swiss Re parcel (which is approximately 50 percent occupied), and the re-occupancy of the project site's existing office buildings (for office use) were included in the No Build condition and that the proposed action will result in less traffic. This conclusion is questionable as new residential, hotel, other uses would likely result in more traffic to the site than the current condition and the timing/peaks of that traffic may well be different. (Garcia_NYCDEP_030)

Response 10-18: Comment noted. Existing and No-Build trip generation estimates, as well as trip generation estimates for each alternative for the three analysis hours, were included in the DEIS and FEIS.

CHAPTER 11: VISUAL RESOURCES AND COMMUNITY CHARACTER

Comment 11-1: A comment was received questioning whether the methodology used for the visual simulations was appropriate.

I'm going to want to understand, because I said before I think there are inherent limitations in visualizations. I don't think you've done a drive-by visualization, but you have the other ones. But, you know, professionals, I'm sure, know that there are certain limits to them and what they—different factors are that go into it and what they try to compensate for or whatever. So, if there's same way to get input on that, it would be appreciated. (Berra_002)

Response 11-1: The analysis of potential visual impacts in the DEIS was performed using the thresholds established by the New York State Department of Conservation (NYSDEC). The use of computer-generated photo simulations in visual impact analysis under SEQRA is an industry standard practice. For the DEIS, the simulations were generated using a 3-D model of the DEIS Project and the topographic conditions of the Project Site and surroundings, superimposed onto photographs. The photo simulations completed for the DEIS Project also showed the proposed enhancement of the Project Site's existing landscaped buffer along King Street, which would serve to mitigate any potential for impacts. The Project Site has very limited visibility from publicly accessible vantage points. The interior of the Project Site is only visible to motorists traveling along King Street and even that visibility is severely limited by the existing landscaped berm. Based on consultation with the Town Planner, four locations along King Street were selected to best represent the view of motorists passing the Project Site along King Street. No other publicly accessible vantage points were determined to be necessary for the analysis.

It is also noted that the Preferred Alternative has significantly less potential for visual impacts than the DEIS Project, which proposed a five-story residential building on top of two levels of structured parking. The Preferred Alternative also includes the removal of approximately 262,000 sf of existing buildings, further reducing the site's visual profile.

Comment 11-2: Comments were received regarding the visibility of the DEIS Project from King Street and opining that the DEIS Project may have adverse visual impacts.

One of the concerns I have is how visible those buildings are and if the site is visible from the Route 22 bridge as you're going north. (Berra_002)

So, I would really quibble with the point that you're going 55 miles an hour and you won't see the project.

Provide further specific mitigation measures as well as modifications, such as increase setbacks and reduction of building height in order to reduce the visual impact from King Street. (DiGiacinto_010)

Generally, the NYS Route 120 corridor is defined by heavily wooded frontages and rising topography. The Lead Agency will need to determine whether the visual impacts of the proposed action are acceptable. If not, the Applicant may wish to provide additional mitigation measures including the relocation of the multifamily building, providing larger setbacks, reducing building height, or providing additional screening. (Kaufman_TNC_022)

A second significant concern is with the project's height; the visual impact of a seven-story apartment building is not in keeping with the character of our town. The building's height is too great to be successfully mitigated by the landscaped berm along King Street and any additional tree planting. (Black_Krupa_CB_024)

As stated in the June 23, 2021, DEIS and DGEIS (I.D.11, pg. 1-23, 1-24), "It is noted that the Lead Agency [North Castle Town Board] is not expressing an opinion on the applicant's visibility analysis at this time nor is it presenting its opinion on whether or not the Proposed Action would have a significant adverse visual impact." The North Castle Conservation Board unequivocally believes that the Proposed Action will have a significant adverse visual impact, for the Proposed Action neither complements nor represents the aesthetic and community character of the Town of North Castle. The Conservation Board also believes that the applicant has underplayed the visual impact that this Proposed Action will have.

According to the applicant, "From south... [the Proposed Action will be] moderately visible during leaf-off condition" and, also, "The views that are available would only be visible for a few seconds while driving along King Street." As that the Proposed Action will be sited on a rise in the topography and as that no trees on the property will be as tall as the height of the Proposed Action, these assertions seem improbable, and the Conservation Board challenges these assertions (the applicant's own 3D renderings seem to contradict these statements as well). The Conservation Board recommends that the Town Board insist on more studies as to the visual impact of the Proposed Action, perhaps including the flying of balloons at the height of the proposed construction (even in leaf-on conditions).

The applicant also states that "[The Proposed Action] is proposed to minimize and mitigate potential visual impacts... The new multifamily building and town homes would be designed to approximately relate to the character of the area". As that the Town of North Castle has no buildings as tall as what is being proposed, it is impossible that such buildings are in the "character of the area." The Conservation Board recommends the Lead Agency seek the advice of the North Castle Architectural Review Board (the Board which most often determines if a building is in character with others in the community), instead of accepting the applicant's opinion as fact.

Many residents of North Castle have fled the skyscrapers of New York City to plant roots in this bucolic community. The Town Board of North Castle has a responsibility to its residents to keep North Castle the serene, suburban setting that we know it to be, and to not let fall the first domino of tall, unsightly buildings. If this project were to move forward as proposed, our community character and visual resources will be forever more, irrevocably changed for the worse. (Black_Krupa_CB_024)

Response 11-2:

As discussed in FEIS Chapter 1, “Project Description,” in response to evolving market needs as well as comments received on the DEIS, the Applicant has amended its original petition to request that the Town Board map the Senior Housing Portion of the Site within the Town’s existing R-MF-SCH Zoning District, and map the Townhouse Portion of the Site within the Town’s existing R-MF-A Zoning District. The Applicant has asked the Town Board to defer consideration of text amendments to the DOB-20A zoning district. Specifically, and in response to public comments, the Applicant is proposing only the reuse of an existing three-story office building and construction of new two-story structures on the Project Site. As such, the scale and height of the Preferred Alternative is significantly reduced from the DEIS Project. The Preferred Alternative also includes the removal of approximately 262,000 sf of existing buildings, further reducing the site’s visual profile.

In addition, and as discussed in the DEIS, the Project Site has limited visibility from publicly accessible vantage points under existing conditions. The interior of the Project Site is only visible to motorists traveling along King Street. Due to intervening distance and topography, the Project Site is not visible from the Route 22 bridge over the Kensico Reservoir, which is approximately one mile to the west of the Project Site.

The appearance of the proposed townhomes on the Project Site would be consistent with other recent townhouse developments in the North Castle. The Preferred Alternative would also return the Site to active use, which is consistent with the goals of the Town’s Comprehensive Plan, while repurposing an existing office building (and associated pond/water feature) that are already sited at a considerable distance from King Street and are only minimally visible from the road.

Similar to the DEIS Project, several measures have been incorporated into the Preferred Alternative’s design and layout to avoid, minimize, and mitigate potential impacts to visual resources and community character. The existing southern office building (to be converted to residential use) is set back considerably from King Street and not easily visible to motorists. The minimum front yard setback of 64 feet for the new townhomes, when considered together with the existing berm and landscaping along King Street (to be enhanced), would serve to mitigate potential visual impacts.

CHAPTER 12: COMMUNITY FACILITIES

Comment 12-1: Page 12-11. The chart entitled Proposed Project Residential Population Projections uses a 2006 source. I think we should have a more current source that meets our demographics. (DiGiacinto_010)

Response 12-1: The Preferred Alternative consists of 50 age-restricted residential units in the multifamily building, and 125 two-story, three-bedroom townhomes. The estimated residential population of the Preferred Alternative is estimated at 389 persons based on a different publication than was used in the DEIS (though that source is also from 2006).¹ As discussed in Chapter 2, “Environmental Analyses,” the residential population estimate is only used to estimate the potential increase in municipal cost attributable to the Preferred Alternative. As stated therein, the Preferred Alternative would generate more in direct property tax revenue than it would cost the Town in new services.

Comment 12-2: Comments were received regarding the DEIS Project’s potential impact on the police department and whether more than one additional police officer would be needed as a result of the Proposed Project and the redevelopment of the Swiss Re site. The Proposed Project’s estimated residential population was also questioned. (Berra_009, DiGiacinto_010, Reiter_011)

You were saying that with the addition of 500 new residence it would require hiring one more – clearly the hiring of more than one police officer? (Berra_009)

You can’t always do sort of calculations, but if we are adding 500 people that’s roughly 4 percent to the population we have now, so 1/24 of the police department is a little bit more than one, but then again there are some functions, like dispatcher, that would have to be added. (Berra_009)

One of the things that I did have the opportunity to do was to speak with the chief of police as one of the liaisons. He definitely had some concerns about the numbers and the calculations, and I think the best thing to do is maybe we invite him and have him comment on what he thinks would be applicable to this particular project. (Reiter_011)

I thought that this particular part of the study was a little light in terms of the financial impact on our police department so I would like to see perhaps more interaction with Chief Simonsen to have a better understanding of how this project could impact the need for perhaps even—and it is not just hiring one police officer, it is perhaps hiring another police car and all the other things that go along with being a police officer. (DiGiacinto_010)

¹ New Jersey Demographic Multipliers, The Profile of Occupants of Residential and Nonresidential Development, Rutgers University, Center for Urban Policy Research, 2006.

Response 12-2:

The Preferred Alternative consists of 50 age-restricted residential units, and 125 townhomes, and is anticipated to have a population of 389 persons.

An updated fiscal impact analysis has been provided in Chapter 2, “Environmental Analyses.” As demonstrated therein, the Preferred Alternative would increase the property tax revenue generated by the Project Site in its current condition. Specifically, the Town of North Castle, including the Police Department, would receive approximately \$541,705 per year in direct property tax revenue that would more than cover the approximately \$256,740 in incremental Town costs, including the Police Department.

Given the lower intensity of the use proposed, including the elimination of office uses and a previously proposed hotel use, the Preferred Alternative would have a significantly lower daytime population, and therefore daytime police demand, than either the DEIS Project (which had proposed an office use and hotel use) or re-occupancy of the Site’s existing 261,000 sf of office space.

Comment 12-3:

Comments were received concerning the impacts of the DEIS project on the staffing and equipment needs of the Armonk Fire Department as well as what the appropriate mitigation for those impacts is.

I am really, really concerned about fire department access, not in terms of being able to go in there, and there’s talk about an extra road, things like that, but in terms of having the equipment to get to the top of the building. They don’t currently have that equipment. That’s one of the reasons, aside from visibility, why I was asking what the four-story version was like, because it has two additional stories underneath aboveground. So, I’m very concerned about that, and also the strains on the man- and womanpower of the volunteer fire department and at some point, whether we just put too much of a burden on them and we can no longer have an entirely volunteer fire department. (Berra_002)

North White Plains is the only fire district that has a ladder truck, and their ladder truck, I’m sure, wouldn’t be sufficient for a seven-story building. (DiGiacinto_001)

Certainly if they get a hook and ladder truck, that’s something they can use in other places, but they wouldn’t have to spend that money otherwise. So, you’ve got to look at what projects they are acquiring it for and not simply say, “We’re part of the fire district, we’ll pay our proportional share and that will cover it.” It could be a significant fixed cost. (Berra_002)

Armonk Fire Department indicated they will need a new ladder truck. Armonk Fire Department should indicate the exact ladder truck they would need, they come you know, in all different sizes in terms of their ladder extensions, the cost of the truck, the ability to house it. The applicant has stated in terms of a dollar amount, “Applicant is willing to contribute fair share for the purchase of a ladder truck.” I would like a more specific dollar

amount. The Armonk Fire Department and applicant agree the project will result in an increase of call volumes, I mean, that's obvious, as well as a need for more volunteers. Unfortunately, and this is true of any projects, when we have a project where it is going to be multifamily moving in, unfortunately we don't even have one new volunteer from that project, which is unfortunate. (DiGiacinto_001)

If this project results in the need to hire paid fighters, the applicant indicates a willingness to "contributing its fair share to the fire district inclusive of district wide initiatives that may be undertaken in the future with respect to staffing." I think once again I would like a more firm dollar figure in terms of the pledge by the applicant if we have to hire a paid firefighter. (DiGiacinto_001)

The Fire Department has raised serious concerns regarding the project. Specifically, the Department noted that a ladder truck would be necessary to provide adequate fire protection. Additionally, the Department noted that the project will add additional call volume without providing an adequate number of new volunteers to staff the Department. The Applicant should further describe how the Fire Department's concerns will be addressed. (Kaufman_TNC_022)

The same thing with the fire department, I've spoken to them, they have some concerns, the ladder, you know, volunteers are absolutely impossible to get now, in fact, we are losing some. We are paying an EMT for prime shift during the day time and I think there is even a meeting coming up with the Westchester Emergency Services with the paramedics which we are gonna get an update on, you know, the coverage and consortium of municipalities that participate, and that may be something that you know, I can find out and see how that would affect ad if it would at all. (Reiter_011)

Response 12-3:

In response to public comments, the Applicant is no longer proposing construction of a seven-story multifamily building. Instead, the Applicant is proposing construction of two-story townhouse units, a product that is common within the Fire District and would not create the need for additional equipment. Similarly, reuse of the existing three-story office building would not require any new equipment due both to its limited height, and also due to the fact that it is an existing structure already served by the Fire District. Given the lower intensity of the use proposed, including the elimination of office uses and a previously proposed hotel use, the Preferred Alternative would have a significantly lower daytime population, and therefore daytime EMS demand, than either the DEIS Project (which had proposed an office use and hotel use) or re-occupancy of the Site's existing 261,000 sf of office space.

Comment 12-4:

What is the all-in cost for an EMT? I would like the Armonk Fire Department to comment on the need to hire additional EMT or EMTs if this project were to be approved. (DiGiacinto_010)

Response 12-4:

Given the lower intensity of the use proposed, including the elimination of office uses and a previously proposed hotel use, the Preferred

Alternative would have a significantly lower daytime population, and therefore daytime EMS demand, than either the DEIS Project (which had proposed an office use and hotel use) or re-occupancy of the Site's existing 261,000 sf of office space. It is not anticipated that the Preferred Alternative would require the addition of an additional EMT.

Comment 12-5: I also ask, to provide the specific additional expenses if this project were to be 100 percent residential because obviously we certainly would need more than one police officer. (DiGiacinto_010)

Response 12-5: The Applicant's Preferred Alternative is now a 100 percent residential plan, with 50 age-restricted multifamily units, and 125 townhomes. The anticipated resident population of the Preferred Alternative would be 389 people (compared to the DEIS Project, which was anticipated to generate a residential population of 375, as well as an additional transient population of hotel guests and office workers). Approximately \$3.33 million would be generated in annual property tax revenue to various taxing jurisdictions. As described in Chapter 2, "Environmental Analyses," the Town of North Castle, including the Police Department, would receive approximately \$541,705 per year in direct property tax revenue that would more than cover the approximately \$256,740 in incremental Town costs, including the Police Department.

Comment 12-6: Comments were received regarding the existing and potential future conditions of the BHSD with respect to enrollment if the DEIS Project were not approved.

The Applicant stated that enrollment in the District was at 2,300 students in the 2018–2019 school year and expected to see a decline based on a Demographer Report from the District. (Lamia_BHSD_019)

The Applicant cited the Superintendent that the peak of 2,818 students in the past had our schools at capacity. Due to recent home sales, likely as a result of the pandemic, the District has already enrolled 2,316 students for 2021-2022, which is 69 students above what was predicted in the Demographer's Report. Those numbers do not yet represent the additional dozens of students we have traditionally registered throughout the summer. Enrollment is no longer declining, and with the renewed housing market activity, it is increasing. It is important to note that the peak of 2,818 was reached with the existing footprint of housing stock within our District, and it is certainly possible that we reach that number again at some point in the future. We believe that a lack of housing turnover has depressed these numbers, and turnover has increased during the pandemic with the current trend of families moving out of more densely populated areas. (Lamia_BHSD_019)

The District has had to add two new sections of kindergarten since June 2021 due to increased enrollment and may have to add a section of grade 2 before September if there are more entrants. Kindergarten, 1st grade and 2nd

grade are currently at capacity before additional teachers and aides need to be employed. (Lamia_BHSD_019)

The District also asks the Town Board to consider that there are other proposed housing development projects in process in the District. (Lamia_BHSD_019)

To date, meaning September 9th, 2021, the Applicant should provide the actual number of school children in the Byram Hills School District and I would like that number compared for the last four years in the Byram Hills School District. (DiGiacinto_010)

Response 12-6: Comments noted. **Table 3-1** presents the BHCS D enrollment over the past 19 years based on data provided by the BHCS D (for 2015 to 2023), and from the Cornell Program on Applied Demographics (for 2004 to 2014).

Table 3-1
Byram Hills Central School District Enrollment

Year	Enrollment (K–12)	Percent of Change in Enrollment from Previous Year
2004/05	2,795	--
2005/06	2,811	+0.6%
2006/07	2,808	-0.1%
2007/08	2,818	+0.4%
2008/09	2,815	-0.1%
2009/10	2,795	-0.7%
2010/11	2,714	-3.0%
2011/12	2,647	-2.5%
2012/13	2,643	-0.2%
2013/14	2,583	-2.3%
2014/15	2,538	-1.8%
2015/16	2,468	-2.9%
2016/17	2,374	-4.0%
2017/18	2,352	-1.0%
2018/19	2,307	-2.1%
2019/20	2,278	-1.1%
2020/21	2,261	-0.6%
2021/22	2,314	+2.3%
2022/23	2,333	+0.9%
Sources: Byram Hills Central School District 2022–2023 Budget Hearing I (January 18, 2022) ² ; Byram Hills Central School District 2018–2019 Proposed Budget Presentation (March 6, 2018) ³ ; Cornell Program on Applied Demographics – Total Enrollment.		

² https://www.byramhills.org/uploaded/BOE/2022-23_Budget/Presentation_from_January_18_-_Budget_Hearing_I.pdf

³ https://www.byramhills.org/uploaded/BOE/18-19_Budget/18-19_ADMINISTRATIONS_PROPOSED_BUDGET_03-06-18.pdf

Comment 12-7: Comments were received questioning whether the number of PSAC estimated to live within the DEIS project is accurate.

District requests that the Town Board consider District concerns that the proposed approval of a new 151-unit multifamily building and 22 townhouse unit will likely generate more than the estimated 27 school-aged children, the cost of which will not be offset by net new tax revenue identified by the Applicant as associated with the Proposed Project (\$291,870). It is the District's opinion that a burden of additional cost will be borne by existing taxpayers in the school community based upon the number of students resulting from this project and the inability of the proposed new tax revenue to meet those fiscal needs. (Lamia_BHSD_019)

The Applicant utilized the Rutgers's Multiplier Method for estimating the potential school aged children, which is based on Census data from 2000 and based on housing prices from 2005. The Rutgers Multiplier Method is often criticized for its ability to be used as a unilateral tool across different towns and states to estimate the number of school age students anywhere in the nation over any number of years. (Lamia_BHSD_019)

The Multiplier Method used accounted for a projected number of only 27 students from up to 151 rental units (39 one-bedroom and 110 two-bedroom units) and 22 three-bedroom single family attached townhomes. The District does not identify this multiplier as a reliable method for estimating the number of potential students from the Project. It is important to note that the same multiplier would be used in determining PSAC in areas as different as New York City, Buffalo, and Westchester. (Lamia_BHSD_019)

The District is concerned about the use of the Case Study as a fair estimate for predicting numbers of public school age children in Byram Hills.

- The 2015 ESI Demographic Multipliers Report of 2017 shared at the National Planning Conference on Demographic Multipliers cautions that, "SAC (School Age Children) multipliers generated by local surveys of recent developments can be misleading. These surveys reflect conditions of a very small sample of developments. Because of aging, the snapshot data becomes obsolete once the student cohorts shift upward." (<https://econsultsolutions.com/wp-content/uploads/2018/04/NY.pdf>).
- The District wonders if the numbers in the Case Study are further misleading as the Applicant notes that the numbers of students enrolled in the Case Study Method was, "Based on average enrollment of 2015–2016 to 2018–2019 school years, where available," indicating that the information presented may not be complete.
- The information from the case study is also inclusive of school years starting from 2015 to 2018, which may now be outdated data for Westchester considering that city dwellers with children have been moving to the suburbs in large numbers as a result of the pandemic.
- The case study projections show the total number of units and the total number of students enrolled as inconsistent, indicating that these numbers may not be valid for comparison. For example, Bronxville

yielded 31 students to 110 units while Mamaroneck only yielded 14 students to 227 units in 1-, 2-, and 3-bedroom units.

- It is unclear if these units are located in similar settings, which may have affected the disparate numbers produced.
- There are many townhome and condominium units within Armonk proper that could have been studied more recently to more accurately portray the number of students living in those units and in the town where the proposed Project is located.
- The towns cited above are in southern Westchester where there is generally a large stock of multifamily housing. This proposed Project would be more unique for Armonk, which could render these comparisons less relevant and comparable. (Lamia_BHSD_019)

You have to be very careful in concluding how much the extra cost would result from having all those students. And I think it is worth for everybody, all interested parents to look at it. She's also pointed out as I was saying before how the numbers of students may well not be accurate and that's one thing I thought about before, I know I've raised it before and I think there may have been some sort of response to it, but I think it is important that we go back in time. (Berra_009)

I think one thing that might be helpful to us is to request that we get some sort of analysis that the developments that are taking place here and maybe in comparable localities, maybe we can figure out which one those should be to see what the anticipated number of additional students were from a project and then see what the actual numbers were in own town specifically, I would look at that. I would look at Old Route 22 even, which are big developments in numbers there, but also looking at comparable localities and we can figure out which one those should be. (Berra_009)

My first point is that the record multiplier method, and I'm citing from page 12-5 of Chapter 12, is based on data for 2000 census and the 2005 housing crisis and I really would like to see this multiplier applied to current census and a current housing crisis. (DiGiacinto_010)

I would like the Applicant to look into using the public micro data sample. (DiGiacinto_010)

My second point is "the case study method of estimated school age children, focused on schools located in lower Westchester." And these districts are not anywhere similar to the Byram Hills School District. They used data based on enrollment for 2015 and 2016, and 2018/19 and then it said where available. So I question if the data is really as complete as we would need. (DiGiacinto_010)

We need complete enrollment data from September 2015 up to and including September 2021 from school districts as Jose mentioned before that are similar, you know, most likely northern Westchester school districts. (DiGiacinto_010)

I would like the applicant to provide a study of the number of students residing in townhomes, in condominiums located in Armonk, Whippoorwill Hills, including the MIUs, Whippoorwill Ridge, including the MIUs, Cider Mill and Armonk Square, including the MIUs, Whippoorwill Commons,

including MIUs, Leisure Farm, approved Eagle Ridge, including MIUs. 470 Main Street Condominiums, including MIUs. (DiGiacinto_010)

I would like to know, when each project was completed, all residential units sold, and the number of school age children enrolled in the Byram Hills School District from these developments. (DiGiacinto_010)

That piece is important about making sure we understand the impacts of the student population from those developments. (Schiliro_008)

Jen Lamia also referred to how it is affecting her estimation of how many students she can expect to have because of pandemic related trends. (Hussain_012)

So I'll just focus on the 55 plus. You were talking about projected versus the results. You projected two kids at Whipoorwill Hills and went over the rules or whatever it was, I don't know, you are the one that said what that study was – it ended up in more resulted kids [sic]. So I don't know what made you think that the projected number of Eagle Ridge, I don't know if Jen Lamia provided the same exact [sic]. (Clark_028)

Response 12-7:

The Preferred Alternative's residential uses would consist of an approximately 50-unit multifamily building which would be age-restricted (55+) and approximately 125 townhomes. As such, the Preferred Alternative would include PSAC.

As discussed in FEIS Chapter 2, "Environmental Analyses," the proposed development could be anticipated to have up to 51 school age children living in the proposed 125 townhomes. This estimate is based on an analysis of recently constructed townhouses throughout the state of New Jersey published in 2018 by the Rutgers University Center for Urban Policy Research (CUPR). To augment the use of the Rutgers multipliers, and to validate the CUPR data with recent, local experience, an estimate of the number of PSAC that may live at the Proposed Project was generated using a case study of multi-family developments in North Castle, similar to the Proposed Project. The Applicant identified three townhouse developments in North Castle and requested enrollment information from the BHCS D. Based on the ratio of PSAC to townhouse units in these developments, which yielded a multiplier of 0.515, a total of 65 PSAC could be anticipated to live within the Proposed Project. (See Chapter 2, Section 2.B.10.a.(i), "Estimated Number of Public School-Age Children.")

As with any estimate, the number of students may be higher or lower than actually predicted. However, as confirmed by the School District Superintendent (see **Appendix I**), the additional cost associated with PSAC from the Preferred Alternative who enroll in the District—even if that number is greater than 51—would be offset by the additional property tax revenues that could be generated for the District.

Comment 12-8: Comments were received questioning the potential additional cost to the School District as a result of the PSAC that could live in the DEIS Project, if constructed.

It is the District's concern that the proposed Project will have a greater impact on the resources of the District than indicated in The State Environmental Quality Review / Notice of Completion of Draft Environmental Impact Statement and that the projected costs to the District will not be covered by the estimated net new tax revenue identified in the report. (Lamia_BHSD_019)

The Applicant assumes that additional students will not result in additional teachers and staff, which is only possible if all students are spread between all grade levels and that students do not require special education services. Even then, some sections may have to be increased (as indicated in our current K, 1, 2 enrollment numbers). New buses would also need to be purchased (at least 2), and 2 full time drivers and monitors hired with benefits as there would be a minimum of 8 school runs anticipated to or from Airport Campus daily, including late buses at the middle and high schools. (Lamia_BHSD_019)

The needs of the District for the Proposed Project would far exceed the estimated \$291,870 increase in property tax revenues received and identified below from the Applicant's report. The District is concerned that the current taxpayers will be impacted by an enrollment increase. (Lamia_BHSD_019)

The Byram Hills School District has expressed a concern in the quote that Dr. Lamia made, "current taxpayers will be impacted by an enrollment increase." And that's a very nice way of saying our school taxes could increase, and we have many people in this town that I fear would not be able to stay here if that were the case. (DiGiacinto_010)

Point number five, to provide data obtained from the Byram Hills School District of the estimated expenses for the school district for the alternative plans in Chapter 18 of the DEIS. The school district's expenses should include but not [be] limited to cost per student to educate, staffing, employee benefits, number of sections, school buses and cost to operate them, etc. (DiGiacinto_010)

Response 12-8: The District groups their expenditures into three parts: administrative, program, and capital. For the 2022–2023 budget, the District allocated \$70,117,974, or 72.3 percent, for its "program" budget, which includes instructional, programmatic, transportation, athletics, health services costs, and employee benefits for non-administrative employees. The District allocated \$11,301,722, or 11.7 percent, for its administrative budget, and \$15,519,617, or 16.0 percent, for its capital budget. Based on the 2022–2023 projected school year enrollment of 2,333 students,⁴ this equates to a per student programmatic cost of approximately \$30,055, of

⁴ See page 30 of the *Byram Hills Central School District 2022–2023 Budget Statement* – https://www.byramhills.org/uploaded/BOE/2022-23_Budget/OFFICIAL%20BUDGET%20STATEMENT%202022-23.pdf.

which \$27,500 (or 91.5 percent) would be funded by property tax and PILOT payments. The Preferred Alternative's residential uses would consist of an approximately 50-unit multifamily building which would be age-restricted (55+) and approximately 125 townhomes. Using an industry standard multiplier created from statewide data, the Applicant estimated that the Preferred Alternative would be likely to have 51 PSAC. As discussed in FEIS Chapter 2, "Environmental Analyses," the Preferred Alternative is estimated to yield approximately \$2.25 million in annual property tax revenues for the Byram Hills Central School District, which is an increase from the revenue currently generated by the Site (which is itself based on an assessment of an owner-occupied office building). Based on that estimate, and as discussed in more detail in Chapter 2, "Environmental Analyses," the Preferred Alternative could result in a potential annual cost to the School District of approximately \$1.4 million. Even at a higher estimate or 65 PSAC and an approximately \$1.79 million potential annual cost, the additional cost would be more than covered by the approximately \$2.25 million in property tax revenue estimated to be generated by the Preferred Alternative. This conclusion, that the increase in tax revenue would be anticipated to cover the costs of the additional students, was confirmed by the School District Superintendent, (see **Appendix I**).

Comment 12-9: Should the Project be approved for changed zoning at 113 King Street, the District wonders about the potential for the other commercial properties to make a similar request, particularly since the other properties would now be in a mixed-use zoning area. (Lamia_BHSD_019)

Response 12-9: The Applicant has requested the Town Board defer review of text amendments to the DOB-20A zoning district, which have the potential to affect other commercial office properties. As such, no other properties would be affected by the Revised Proposed Zoning.

CHAPTER 13: FISCAL AND MARKET IMPACTS

Comment 13-1: Comments were received questioning the findings of the market study presented in the DEIS with respect to the market demand for hotels within the Town.

When we looked at Eagle Ridge for the hotel, there was a feasibility study that was provided. And I think a lot of people generally have experience that, you know, feasibility studies you might take with a grain of salt given [that] people are hiring them and they look at it in certain ways, not to say anything bad about professionalism of people who spend their lives and

study doing this. But have you done a feasibility study on the hotel here? (Berra_002)

You referred to the comp plan saying there's room for two hotels, that was when we had La Quinta. Presumably this will be at least a somewhat greater grade than La Quinta was. But what happens, Eagle Ridge goes ahead, they actually build a hotel. Does that impact you? (Berra_002)

You've looked at what happens if Eagle Ridge opens up a nice hotel? I'm guessing you won't go ahead with it unless you think the economics work. But I'm just trying to probe a little bit. (Berra_002)

[In Section 13 under 1, it says] "Currently North Castle has one place of accommodation open to the public, La Quinta." I think one thing that might be useful is the demand equation is really important here for us to understand. And that's changed a ton the last two years. So, I'd just ask that you redo that section, you know. Or provide commentary on top of that section to indicate what changes exist, and then what you think we should think about given those changes, especially as it relates to the alternate options that you also looked at. Because I just need to make sure I understand how it relates in terms of that logic, because a lot of the base foundations of what you're proposing rely on the demand that you expect. So that's something we need to understand. (Hussain_003)

La Quinta is closed permanently, and I think Arrowwood is as well. So that should be more accurately reflected in the FEIS. (Baroni_005)

Section 13.B.1.C, Hotels, cites La Quinta and other hotels that are now closed so obviously that should be updated and to update the last paragraph dealing with Eagle Ridge now that that has passed. (DiGiacinto_010)

Response 13-1: Subsequent to the DEIS, the Applicant has amended its zoning request and mix of uses proposed for the Project Site. Specifically, hotel and office uses are no longer proposed by the Applicant.

Comment 13-2: Comments were received regarding the overall feasibility and market demand of the DEIS Project's mix of uses, given the economic changes that have occurred since the completion of the market study included in the DGEIS.

I'm wondering, same way I'm wondering about the demand for the hotel and the need for it, the [demand for] office space. The owners have been trying to rent out the office space for some time. I'd be curious to know what the use would be of the office building: what type of tenants, multiple tenants, single tenants, still to be determined, and also to know whether there have been studies done on that. (Berra_002)

I have a concern for the residential. What shows that it's feasible? I'd just like to understand the overall economics, and that projects are realistic. Not saying to what degree, if any, that impacts the ultimate decisions. But I'd like to understand the big picture. And I think it's helpful for people and our residents to know that. One thing I've seen is that, and this I can cite to page 1-5 in the Executive Summary. This relates to the notion that—what do you call it, the Cooney Hill section? Where there were 17 residences, and now

the basic proposal is to have 22 townhomes, and it could expand beyond that, right? (Berra_002)

I think the analysis that is shown, we just need a whole new view of that because I do think things have really evolved since that was shown and for me to be able to evaluate how this would fair against demand really requires us to look at what is going on now. (Hussain_012)

So the point I was making was that in the market assessment that's done is doing a demand estimation on what we are expecting for townhomes, for multifamily homes and for hotels, and that is an outdated analysis from everything that I can see, and I expect it to be very different now and I would like to be looking at current information in order to then assess what's relevant for the town today. (Hussain_013)

So that's a really important thing that needs to be addressed, it's not like a sentence correction, it's like a relook at the demand estimation. (Hussain_013)

A reevaluating on the demand and what's really needed given all the changes that have happened in the last two years, and I think that is warranting a reevaluation. (Hussain_015)

Response 13-2: Subsequent to the DEIS, the Applicant has changed its zoning request and mix of uses proposed for the Project Site. Specifically, hotel and office uses are no longer proposed. The proposed residential use is one with significant local and regional market demand. In addition, development of these uses is consistent with the Town Comprehensive Plan, which seeks to add housing options for seniors as well as diversify the housing options available within the Town.

Comment 13-3: Comments were received regarding the potential price of the residential units in the DEIS Project.

Is there a sense of what the residential units will sell or rent for? Because one of the things that's discussed, I think it was in the presentation, is that it will help people who can't afford a single-family home, and some of the prices we're seeing both at Eagle Ridge and some other places I don't think helps those people. (Berra_002)

Response 13-3: As stated in Chapter 2, "Environmental Analyses," the Applicant anticipates that the townhomes would sell for an average of between \$1.25 million and \$1.5 million. For a conservative analysis, a sales value of \$1.25 million was used. Rents for the multifamily building's units have not been determined but were conservatively analyzed using a \$17,350,000 market value for the entire multifamily building for fiscal purposes. As required by Town law, 10 percent of the units would be affordable units and would, therefore, have a market value of \$300,000 (as discussed more fully in Chapter 2, "Environmental Analyses") for the townhouses, and rents set to 60 percent AMI for the multifamily units.

Comment 13-4: In the Fiscal Impact section, it's noted that Cider Mill/Whippoorwill Hills/Whippoorwill Ridge comprise 100 units approximately. It's more like 230. So that should be corrected. (Baroni_005)

Response 13-4: Comment noted. An updated fiscal impact analysis, focused on the Preferred Alternative's residential uses, has been provided in Chapter 2, "Environmental Analyses."

Comment 13-5: So I think it is great that the Board is asking these kinds of questions around the increment of taxation versus the cost to serve, I think that's really important. I've been concerned for a while about the kind of taxation projects that have been approved and just the potential for them to drag on the budget. So I think you know, these kinds of questions are great and important and I think from my perspective just as a resident I think the project really needs to be additive and accretive both to the town budget, the school budget and quality of life. So in that last regard on quality of line, Barbara, I thought it was great that you've made these comments and come around to adding some of those rec facilities. I thought those ideas that were mentioned were great, I just really hope that we can follow through with that and this is what a number of us in town have been pushing for a long time and I think it would be additive. So that's all I have to say... I love the hockey idea, I love the idea of a turf field too. (Milim_029)

Response 13-5: Comment noted. An updated fiscal impact analysis, focused on the Preferred Alternative's residential uses, has been provided in Chapter 2, "Environmental Analyses." As shown in that analysis, the Preferred Alternative, which includes fee simple ownership of the townhouse lots, is anticipated to generate more property tax revenue than it may cost the Town in increased services.

CHAPTER 14: HISTORIC, ARCHAEOLOGICAL, AND CULTURAL RESOURCES

Comment 14-1: Comments were received requesting that the Phase 1B archaeological field testing be completed as part of the SEQRA process rather than as part of a future site plan approval.

History is more delicate than you'd think; it's often easily forgotten. "Based on available information, this project [Airport Campus] is in a archaeologically sensitive area" states Philip Parazio of New York State Parks, Recreation and Historic Preservation in a memo sent to the North Castle Town Board on September 26, 2018. In this memo, he recommends "A 36 CFR 61 qualified archeologist should be retained to undertake the Phase 1 survey." The Conservation Board is aware that a Survey "1A" was undertaken. We believe that more studies are necessary ("1B") before moving forward with this project. (Black_Krupa_CB_024)

Given the Town Board recognizes the historical significance of the site; the Conservation Board recommends that all appropriate studies and actions have been taken for the correct archeological handling of this site. The Conservation Board would like the Town Board to take action to preserve and protect archaeologically important sites within the Town of North Castle. “A nation that forgets its past has no future.” – Winston Churchill. (Black_Krupa_CB_024)

It is recommended that the Applicant complete Phase 1B archeological field testing so that results can be incorporated into the Environmental Findings to be prepared by the Lead Agency. (Kaufman_TNC_022)

Response 14-1:

The Applicant completed the Phase 1B archaeological field testing so that results can be incorporated into the Environmental Findings prepared by the Lead Agency.

The Applicant’s Cultural Resources consultant conducted Phase 1B archaeological subsurface testing across the portion of the property determined to be sensitive for precontact resources (see **Appendix J**). Fieldwork consisted of the excavation of a total of 136 shovel test pits (STPs). 120 of these STPs were established along linear transects at a 50-foot interval or in 50-foot-interval grids in eight test areas spread across the project site. The location and boundaries of these test areas were loosely based on the natural topography, visible surface conditions, and the known locations of previous structures. No STPs were excavated on slopes of greater than 10 percent, in areas with water-saturated soils, or in clearly disturbed areas. Assorted modern refuse and small quantities of architectural debris such as brick, window glass, and nails were recovered from several test pits. These artifacts are likely associated with recent residential activity and have no archaeological value. Only two artifacts were collected that are potentially evidence of precontact activity, two fragments of stone that appear to have been created during the process of stone tool manufacturing or use. The remaining 16 of the 136 STPs were excavated at a tighter interval around the two locations where these potential precontact artifacts were discovered. This tighter interval testing failed to identify any archaeological resources, leading to the conclusion that if the two finds are precontact artifacts, they represent isolated finds and do not constitute archaeological sites. Therefore, it was concluded that no archaeological resources will be affected by the Preferred Alternative and no further testing is necessary. As such, the Preferred Alternative would not result in an adverse impact to archaeological resources.

The results of the field investigation will be summarized in a formal report and submitted to OPRHP for their review.

CHAPTER 15: AIR QUALITY

Comment 15-1: Based on the Conservation Board’s review and understanding of the available background material related to air quality, we do not believe that the proposed [DEIS] project can proceed in its current form. In particular, in section 1.D.15. of the DEIS, the applicant indicates that the proposed project:

“Has the potential to impact ambient air quality from stationary sources (i.e., fossil fuel-fired HVAC equipment) and from mobile sources (i.e., traffic generated by the Proposed Project).”

And the applicant continues:

“It is the applicant’s opinion that there would be no potential for significant adverse air quality impacts from the emission of nitrogen dioxide, sulfur dioxide, and particulate matter in connection with the Proposed Projects HVAC systems.”

The applicant further continues by explaining that:

“In addition to air quality impacts generated by stationary sources, the Proposed Project would result in Project-generated traffic that would affect traffic conditions within the area of the site.”

Related to traffic-related pollution, the applicant concludes by stating that, based on several analyses that they had completed:

“It is the applicant’s opinion that Project-generated traffic would not result in a significant air quality impact.”

Until the applicant can provide the Conservation Board with an independent, professional evaluation of the proposed project’s impact on air quality (i.e., an assessment that is not based on the applicant’s opinion), the Conservation Board does not believe that this project can proceed. (Black_Krupa_CB_024)

Response 15-1: As discussed in DEIS Chapter 15, “Air Quality,” an analysis of the potential impact to ambient air quality from both stationary sources and mobile sources was undertaken following NYSDOT and USEPA screening level guidance. The assessment demonstrated that the DEIS Project would not result in potential significant adverse air quality impacts from stationary sources or mobile sources. As discussed in FEIS Chapter 2, “Environmental Analyses,” since the Preferred Alternative would result in less development than the DEIS Project, there would be lesser potential impact on air quality, as compared to the DEIS Project.

CHAPTER 16: NOISE

Comment 16-1: Comments were received about the compatibility of the proposed residential uses with aircraft noise associated with the nearby Westchester County Airport and whether the project contains sufficient mitigation with respect to potential noise impacts on future residents.

We disagree with the DEIS's conclusion that airport-related noise will not be an issue for the future residents who would live on this site. While the DEIS references noise contours to make this assessment, we point out that the contours were developed in 1999 and 2005 and have yet to be updated. The County is undertaking a new Airport Master Plan which will contain a new series of contours. This master planning effort has also called attention to the large number of noise complaints the County already receives from residents in Purchase and Armonk. In light of these ongoing findings, we are opposed to the construction of any full-time residential uses this close to the Airport, especially at this scale. (Drummond_WCPB_020)

While the proposed new residential development would not be located inside of the 65 DNL threshold for significant aircraft noise exposure, the development is within the 60 DNL contour. The Applicant has stated that standard construction methods would provide at least 20 dBA of sound attenuation. The Applicant should evaluate whether enhanced construction could further reduce noise impacts. Given the proposed residential location near the County Airport, maximum practical reduction of noise impacts would appear to be warranted. (Kaufman_TNC_022)

The Conservation Board's concern with noise is less about the noise generated by the new development than about the impact of existing airport noise on the residences, particularly the proposed seven story apartment building. Any development adjacent to an airport—especially a mixed-development project like this that is subject to constant air traffic noise—begs heightened scrutiny by the reviewing Boards. (Black_Krupa_CB_024)

Response 16-1: The mix of uses contemplated for the DEIS Project is no longer proposed, and the proposed multifamily units would be contained within an existing office building to be converted to residential use. In terms of the Preferred Alternative's compatibility with the Westchester County Airport and the appropriateness of the Project Site for residential use, the site is located well outside the airport's 65 Day-Night Average Sound Level (DNL) noise contour (see **Figure 1-4a**), which is the federal threshold for significant noise, and consequently, no land use impacts are anticipated. As stated in the DEIS as well as Section 2.B.14.c, "Maximum Predicted Noise Levels," of this FEIS, the existing noise levels from the airport in the vicinity of the Project Site do not reach a level generally considered as requiring a degree of window-wall attenuation above what can be achieved through standard multifamily residential construction practices. Based on the available information in the environmental record, including the DEIS, FEIS, and public and agency comments, the Lead Agency may require additional mitigation, such as "notice to purchasers" or enhanced

façade attenuation, to further reduce noise impacts based on the Project's Site location proximate to the County Airport.

As was the case with the DEIS Project, the reintroduction of residential uses to the Project Site with the Preferred Alternative would not represent a unique condition when compared to historic and existing land uses surrounding the airport. The proposed residential uses on the Project Site would not be "adjacent" to the airport, but rather would be located approximately one mile from the airport's runways, which is farther from the airport than other existing residential development in adjacent municipalities, including the Golf Club of Purchase development (Purchase, New York) and the Bellfaire and Kingfield projects (Rye Brook, New York).

CHAPTER 17: CONSTRUCTION

Comment 17-1: Although general construction sequencing has been included, a more detailed sequencing plan is critical to ensure effective mitigation of potential water quality impacts resulting from proposed construction. (Garcia_NYCDEP_030)

Response 17-1: A detailed Sequence of Construction will be provided in the SWPPP and on the Site Plan approval drawings.

CHAPTER 18: ALTERNATIVES

Comment 18-1: Comments were received requesting information on the impacts associated with full residential build out of the DOB-20A zoning district under the DEIS Zoning as well as the impacts associated with the currently approved office expansion plans.

Since the proposed legislation would allow the entire 113 King Street parcel to become 100 percent residential, this too should be included as an alternate therefore we need the potential maximum number of residential units, number of bedrooms, types of residential units, projected number of school children. (DiGiacinto_010)

I would like a matrix or summary of all impacts associated with the approved but unbuilt project, and I am referring to the 238,000 square foot office space, the 20,000-square-foot meeting house, and the five-story parking garage. I want a matrix of summaries, so all the impacts associated. (DiGiacinto_010)

Response 18-1: A summary of the impacts of the currently approved development plan, existing conditions, DEIS Project, and other DEIS alternatives is included in the tables at the end of the DEIS "Executive Summary" and "Alternatives" chapters. In addition, it is noted that the Applicant is

requesting that the Town Board map the Senior Housing Portion of the Project Site within the Town's existing R-MF-SCH Zoning District, and the Townhouse Portion of the Project Site within the Town's existing R-MF-A Zoning District.

Comment 18-2: A comment was received regarding the relative market demand of the alternatives studied in the DGEIS.

You have a set of alternatives that we can see, and for alternatives you have a very extended table that describes for each of the alternatives what are the things to consider. For each alternative, how does that actually meet or not meet the needs of the market. There is one row I could find where you could have addressed that which is called the Fiscal and Economic Impact or something like that, and for [the entire set of] alternatives you actually just have that not represent any change. So, I would actually ask for you to expand on Alternatives, how it meets or doesn't meet the demand better or worse than what you are proposing (Hussain_013)

Response 18-2: As discussed in FEIS Chapter 1, "Project Description," the Applicant is no longer requesting approval of the DEIS Project that included a mix of uses on the Site. Rather, the Applicant seeks approval of the Preferred Alternative, which consists of only residential housing. The market for residential housing is quite strong locally and regionally and is a much more stable use than office or hotel uses, as noted in the Town's own Comprehensive Plan (page 150).

Comment 18-3: Comments were received requesting that in addition to senior housing as an alternative, age-restricted housing also be considered as an alternative.

My main comment was about the age restricted component on the alternative section, Chapter 18. That I think should be looked at. You have senior housing there and I am not sure if that applies directly to age restricted, because that could have a couple of different meanings. So that was my main piece, to make sure that was studied. (Schiliro_014)

That would be helpful that the component were studied if it's determined that that [age-restricted housing] really is a separate housing class and product, which I think it is. (Schiliro_008)

Response 18-3: As discussed in FEIS Chapter 1, "Project Description," consistent with SEQRA regulations at §617.9, and in response to comments from the Lead Agency, Interested and Involved Agencies, and the public, the Applicant has developed an additional alternative for achieving the purpose and need described in the DEIS that avoids, reduces and further mitigates the potential adverse impacts associated with the DEIS Project. This additional alternative is iterative of the Alternatives presented in the DEIS and, as described in Chapter 2 of this FEIS, does not result in an adverse environmental impact that was not considered in the DEIS. The new alternative consists of developing a portion of the Site with 125

townhomes and re-using the existing southern office building as a 50-unit, age-restricted, multifamily housing building. To develop the Preferred Alternative, the Applicant has amended its original zoning petition to request that the Town Board map the Senior Housing Portion of the Site within the Town's existing R-MF-SCH Zoning District, and map the Townhouse Portion of the Site within the Town's existing R-MF-A Zoning District

CHAPTER 19: UNAVOIDABLE ADVERSE IMPACTS

Comment 19-1: Comments were received on the general content and findings of the Unavoidable Adverse Impacts chapter.

Unavoidable Adverse Impacts is just one short paragraph. I think there needs to be a much more specific expansion on the Unavoidable Adverse Impacts on the proposed zoning amendment and proposed local law as it applies to all three parcels in the DOB 20A zoning district. (DiGiacinto_010)

I asked about the unavoidable adverse impacts, fire and police are critical, additional town expenses. (Schiliro_008)

Response 19-1: The Applicant has requested the Town Board defer further review of text changes to the DOB-20A Zoning District, and no adjacent sites in the DOB-20A district would be affected by the Applicant's Preferred Alternative as part of the amended zoning petition. The Preferred Alternative would repurpose the Project Site's southernmost office building as approximately 50, 2-bedroom apartments in an age-restricted multifamily building, and will construct approximately 125, 2-story, 3-bedroom townhomes. The Preferred Alternative proposes less intense development and a less intense mix of land uses on the Project Site when compared to the DEIS Project.

As discussed in FEIS Chapter 2, "Environmental Analyses," the Preferred Alternative is likely to result in physical changes to, and new construction and uses within, the Project Site. These changes will result in impacts to various environmental resources, as described throughout the DEIS and this FEIS, however these potential impacts would not be significant. The design of the Preferred Alternative avoids certain impacts that would have occurred with the DEIS Project and mitigates other potential impacts to levels that are not considered significant.

An updated fiscal impact analysis, and analyses of potential impacts to community facilities and services (focused on the Preferred Alternative's residential uses) has been provided in FEIS Chapter 2, "Environmental Analyses." As noted therein, the Town would receive approximately \$541,705 per year in direct property taxes, which far exceeds the estimated \$256,740 of increased municipal cost.

CHAPTER 20: OTHER ANALYSES

- Comment 20-1:** The FEIS should include a discussion of measures to avoid or reduce both an action's impacts on climate change and associated impacts due to the effects of climate change such as sea level rise and flooding pursuant to Section 617.9(b)(5)(iii) of SEQRA. (Kaufman_TNC_022)
- The Town Board as Lead Agency has a duty to consider the impacts of climate change on our Town and an obligation to mitigate those impacts when evaluating and approving new developments and zoning changes. The experts have clearly stated that the proposed Airport Campus project will exacerbate the impacts of climate change. Their advice must be followed. (Kazak_OSC_026)
- Response 20-1:** Comments noted. FEIS Chapter 2, "Environmental Analyses" includes a discussion of the Applicant's Preferred Alternative with the New York State Climate Leadership and Community Protection Act which was passed in 2019. Among other design considerations, the Preferred Alternative proposes to incorporate green building technologies such as green roof areas, energy efficient appliances, LED lighting, and charging options for electric vehicles. The Project Site is not subject to direct impacts from sea level rise, nor is it located in an area of increased susceptibility of flooding. *