

**STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT**

December 9, 2020



APPLICATION NUMBER - NAME  
 [#2020-051] – The Summit Residential Plan  
 Planning Board Site Plan, Wetlands Permit,  
 Steep Slopes Permit and Tree Removal Permit

SBL101.02-1-28.1 &  
 101.02-1-28.2

MEETING DATE  
 December 15, 2020

PROPERTY ADDRESS/LOCATION  
 568 Bedford Road

**BRIEF SUMMARY OF REQUEST**

**Planning Board Site Plan, Wetlands Permit, Steep Slopes Permit and Tree Removal Permit Approvals.**

**The proposal provides for 73 residential units containing 176 bedrooms in seven buildings.**

**Seven of the units will be will be AFFH units.**



PENDING ACTION: ☒ Plan Review ☐ Town Board Referral ☐ Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
GCCFO District- Golf Course Community Floating Overlay District	Former Golf Club	Educational Uses, Single Family Residential Uses	Multifamily Housing Development with associated appurtenances.	130 acres

**PROPERTY HISTORY**

June 2015 - The Town Board adopted a new Golf Course Community Floating Overlay District ("GCCFO District") and mapped it to the subject site which permitted the Property to be developed with a residential community having up to seventy three dwelling units residences.

**COMPATIBILITY with the COMPREHENSIVE PLAN**

Page 30 of the Comprehensive Plan states that the Golf Course Community Floating Overlay District (GCCFO) has been placed on the Brynwood Country Club property and permits for the development of a residential community designed for active adults with affiliated membership to a club with a golf course and recreational facilities. The intent of this floating zone is to maintain open space resources through the preservation of golf courses.

Page 126 of the Comprehensive Plan states that several privately owned areas in North Castle provide recreational or open space benefits either to members or the surrounding neighborhoods. The largest of these are country clubs: the 175-acre Whippoorwill Club along Whippoorwill Road and the 155-acre Brynwood Golf and Country Club between Route 22 and I-684. The Golf Course Community Floating Overlay District (GCCFO) was established at the site of the Brynwood club as part of an approved project to develop a portion of the property as a residential community of active adults. The floating zone provides for preservation of most of the site as designated green space.

**STAFF RECOMMENDATIONS**

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

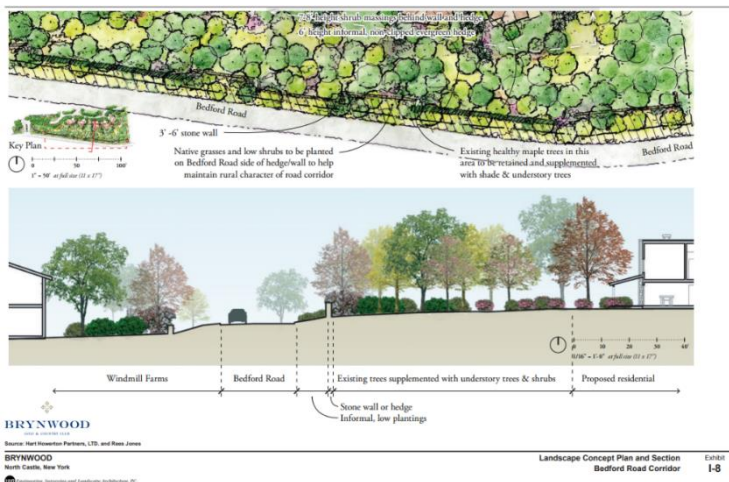
<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> <li>1. The Planning Board will need to schedule a Public Hearing regarding the proposed site plan and wetlands permit.</li> <li>2. The SEQRA review of this project concluded with the adoption of a Findings Statement by the Planning Board (and Town Board) in March of 2016.</li> <li>3. Pursuant to Section 340-5.B of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board. Such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 340.</li> <li>4. Pursuant to Section 7-3.A(6) of the Town Code, all site development plans submitted to the Planning Board are required to be referred to the Architectural Review Board (ARB) for review and comment.</li> <li>5. The site plan will need to be forwarded to the Chief of Police, Fire Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services.</li> <li>6. The site plan will need to be forwarded to the Water and Sewer department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the capacity of the water infrastructure to handle the proposed amount of demand.</li> <li>7. The application for site plan approval will need to be referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML).</li> <li>8. The Applicant will need to obtain Westchester County Department of Health approval for the water main extension and wastewater treatment plant expansion.</li> <li>9. The Applicant will need to obtain NYSDEC approval for modification to the wastewater treatment plant.</li> <li>10. The Applicant will need to obtain a NYSDOT Highway Work Permit for any work within the NYS Route 22 right-of-way.</li> </ol>	
<u>General Comments</u> <ol style="list-style-type: none"> <li>1. The Applicant is proposing 6 approximately 36,000 square foot (not including basement parking) identical buildings with six of those buildings placed in a row. While the proposed design of the building is attractive, the proposed repetition of the same building six times leads to a design that is excessively uniform. The plans should be revised to vary design, footprint and height, as necessary, to prevent excessive uniformity of the proposed exterior building design. Perhaps three different core designs would be appropriate with variations on the three base models comprising the other buildings.</li> <li>2. The project reviewed by the Lead Agency depicted several single family golf cottages fronting Bedford Road. This design choice was acceptable to the Lead Agency since these units were designed in such a manner to be compatible with the existing single family development pattern in the area. However, based upon text included on the plans, the current plan depicts a new two story apartment building in this area. It is noted that the first floor of this building is 10-15 feet above Bedford Road. The Applicant should provide floor plans and elevations of this building. It is recommended that this building be eliminated and replaced with smaller cottages or townhomes that will be more compatible with the surrounding residential neighborhood.</li> </ol>	<p>The Applicant should submit photo-simulations of the proposed project from Bedford Road, adjacent properties and roadways for review.</p> <p>The proposed design of placing an apartment building in this location is inconsistent with the adopted findings statement:</p> <p>“...in response to comments made on the DEIS, the Modified Project also includes five Golf Cottages closest to Bedford Road rather than the seven larger “Club Villa” buildings proposed in the DEIS. The Golf Cottages are single family structures which would be architecturally compatible with the surrounding residential neighborhood at</p>

Windmill Farms. The proposed structures are smaller in floor area and 6 feet lower in height than the "Club Villa" buildings shown in the DEIS.

3. The project has been modified as compared to the plan reviewed by the Lead Agency during the SEQRA review. The Applicant should provide a project summary comparison between the Findings Project and the currently proposed project. The summary comparison should include the following information: number of market rate condos, AFFH units, unit breakdown by type and number of bedrooms, total bedrooms, open space, impervious surfaces, steep slope impact, trees to be removed, wetland impacts, wetland buffer impacts.
4. In general, the design style, mass and scale of the buildings has changed significantly as compared to previously submitted concept designs. The Planning Board and Architectural Review Board should evaluate whether the proposed design, size and scale of the buildings are acceptable or whether designs more similar to the previously submitted concept plans are preferable.



5. The Applicant should submit a substantial proposed landscaping plan within the R-2A zone (100 foot buffer). The plan should incorporate all of the expected landscape elements depicted on Exhibits I-8 to I-12 in the FEIS.



<p>6. The site plan depicts new tennis courts (structures) within the R-2A Zoning District buffer. Structures are prohibited within the buffer. The site plan should be revised to eliminate the tennis courts from the buffer area. This area should be incorporated into the required landscaping/screening plan.</p> <p>7. The site plan should be revised to depict impacts to existing stone walls on the site. Based upon the adopted Findings Statement, it is expected that all stone walls on the Site will be preserved to the extent possible. Particular attention should be paid to the stone walls located along the east side of the Site along the Bedford Road shoulder. The Old Post Road historic milestone marker located just north of the entrance to the Site on the west shoulder of Bedford Road should be identified and noted to be preserved. A construction management plan to protect this marker should be prepared to protect against accidental damage during construction.</p> <p>8. Building Height analysis. The Applicant should provide a building height analysis demonstrating that the proposed buildings are no more than three stories and 39 1/2 feet to the mean level of the primary roof, measured from the level of the finished grade at the main entry to the building.</p> <p>9. The site plan shall be revised to provide calculations demonstrating that the proposed mix of units complies with the maximum permitted density. The maximum permitted density shall not exceed one density unit, as defined in § 355-4 of this chapter, per 133,000 square feet of the aggregate total lot area (as defined in § 355-4 of this chapter) in the GCCFO District and one dwelling unit, as defined in § 355-4 of this chapter, per 1.8 acres of the aggregate total lot area (as defined in § 355-4 of this chapter) in the GCCFO District.</p> <p>10. The site plan shall be revised to depict a lighting plan that conforms to the minimum requirements of Section 355-45.M of the Town Code. The Applicant should indicate whether the tennis courts are proposed to be lit.</p> <p>11. The site plan shall be revised to provide calculations demonstrating that the proposed building coverage does not exceed 3.5%.</p>	<p>The proposed placement of tennis courts in the 100-foot buffer is inconsistent with the adopted findings statement:</p> <p>“...the Modified Project includes a landscaped 100-foot buffer along the perimeter of the Site. Portions of the golf course, landscaping, a portion of the existing clubhouse parking lot, the paved entrance to the Site, the proposed gatehouse, and a limited amount of roadway would be located within the buffer, but no buildings or other structures would be permitted to be constructed in the buffer. The buffer along Bedford Road would contain stone walls, additional landscaping and existing healthy mature trees. The Conceptual Landscape Plan for the Modified Project includes new evergreen trees and shrubs along the property line adjacent to Coman Hill Elementary School and along Bedford Road to screen year-round views of the parking lot. The Applicant would install all of the Bedford Road frontage landscape buffer, as well as the buffer along the southern property line adjacent to Coman Hill Elementary School, as part of the first phase of construction. The Bedford Road frontage landscape buffer would be required to be constructed as part of the first phase of construction.</p>
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<p>12. The site plan shall be revised to provide calculations demonstrating that the proposed units meet the minimum size requirements of the GCCFO Zoning District.</p> <p>13. A golf course community must be affiliated with an adjoining membership club which is subject to a Town Board special use permit. Such affiliation shall be established by the requirement that, except for the initial developer/sponsor of the golf course community and successor sponsors/owners of units which have not yet been sold for owner occupancy, the owner of a dwelling unit of the golf course community must for the duration of ownership be a member (whether individually or as a family) of the membership club. The terms and conditions of membership shall be determined by the membership club.</p> <p>The golf course of the affiliated membership club functions as the open space for the golf course community, and preservation of that open space is a basis for the permitted density of a golf course community. Accordingly, as a condition of site development plan approval of a golf course community, the affiliated membership club shall record in the Westchester County Clerk's office a permanent conservation easement pursuant to which the membership club agrees that the property on which the golf course is located shall be used solely as a golf course or as open space. The conservation easement shall be in form and substance reasonably acceptable to the Town Board and Town Attorney.</p> <p>14. The Applicant should submit floor plans and elevations of the proposed gate house for review.</p> <p>15. The Applicant will need to file the previously discussed conservation easement prior to the issuance of the first building permit.</p> <p>16. The site plan should be revised to depict the phasing plan agreed to by the Town of North Castle and the Applicant.</p> <p>In December, 2019, in consideration of the adoption by the Town of the Amendment, the Applicant recorded a Declaration pursuant to which the Applicant may, subject to site plan approval, construct on the Development Lot a first phase of the Community ("Phase 1"), which may consist of up to thirty-six (36) residences, which may be fee-simple homes and/or condominium units without limitation regarding form of ownership of the residences, and a second phase of the Community ("Phase 2"), which may consist of up to thirty-seven (37) residences, which may be fee-simple homes and/or condominium units without limitation regarding form of ownership of the residences; provided that unless the aggregate average of the gross sales prices of the market-rate Phase 1 condominium units is \$700.00 per square foot or more, the Phase 2 condominium residences are required to be "55 and older" age-restricted housing as permitted under applicable federal law and regulations. The Declaration also requires Phase 1 to include four (4) on-site affordable units, and Phase 2 to include three (3) on-site affordable units. However, the Applicant is permitted to at any time elect to relocate all or a portion of the affordable units off-site within areas in the Armonk Hamlet that are served by public sewer and water, and thereby reduce the on-site affordable units and substitute market-rate units therefor on a one-to-one basis, provided that in no event shall the total number of residential units on the Property exceed seventy-three (73).</p> <p>17. The site plan depicts a proposed Residential Building Amenities structure. The Applicant should indicate whether the building is separate from a golf course clubhouse. In addition, the plans include temporary amenities relating to the golf club. The Applicant should indicate whether approval for those improvements is being sought at this time by the Planning Board. If so, the Applicant will first need to obtain a special use permit from the Town Board for the golf club amendments. If not, these structures should be removed from the plan.</p> <p>18. The Applicant should indicate whether blasting or chipping would be required during construction. If so, the Applicant should provide details for review by the Planning Board at this time.</p>	<p>[1] Efficiency: 450 square feet;  [2] One-bedroom: 700 square feet;  [3] Two-bedroom: 900 square feet;  and  [4] Three-bedroom: 1,100 square feet.</p> <p>The Applicant should review the newly modified Chapter 122 for additional information.</p>
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<p>19. The Applicant should indicate whether any rock processing would be proposed on the site. If so, additional details should be submitted regarding the proposed operation.</p> <p>20. The Town charges a fee in lieu of providing recreation facilities. The Applicant believes that sufficient on-site recreational facilities are being provided to meet the demand of the project, and has requested a credit be given for the market rate homes. The residents of the AFFH units would not be required to be members of the Club and would likely use Town recreation facilities. Therefore, the required \$1,000 per unit fee in lieu should be paid by the Applicant for the AFFH units.</p> <p>21. The site plan shall be revised to depict 25' wide backup and maneuvering aisles adjacent to off-street parking spaces. Access aisles that are not adjacent to parking can be 24' wide.</p> <p>22. Pursuant to Section 355-56.H(2) of the Town Code, 10% of the parking share shall be landscaped. The site plan should be revised to demonstrate conformance with this requirement.</p> <p>23. The Applicant should indicate if any signage is proposed for the project. If so, the location and design of the signage should be included on the plans.</p> <p>24. Pursuant to Section 355-34.I(5)(b) of the Town Code, within multifamily developments, the affordable AFFH units shall be physically integrated into the design of the development and shall be distributed among various sizes (efficiency, one-, two-, three- and four-bedroom units) in the same proportion as all other units in the development. The plan should identify which units will be AFFH and demonstrate that the unit sizes are equally distributed among the various sizes.</p> <p>25. Pursuant to Section 355-24.I.1 of the Town Code AFFH units shall be marketed in accordance with the Westchester County Fair Affordable Housing Affirmative Marketing Plan.</p> <p>26. Pursuant to Section 355-24.I.2 of the Town Code, the maximum monthly rent for an affordable AFFH unit and the maximum gross sales price for an AFAH unit shall be established in accordance with US Department of Housing and Urban Development guidelines as published in the current edition of the Westchester County Area Median Income AMI Sales Rent Limits available from the County of Westchester.</p> <p>27. Pursuant to Section 355-24.I.3 of the Town Code, units designated as affordable AFFH units shall remain affordable for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.</p> <p>28. Pursuant to Section 355-24.I.4 of the Town Code, a property containing any affordable AFFH units shall be restricted using a mechanism such as declaration of restrictive covenants in recordable form acceptable to the Town which shall ensure that the affordable AFFH unit shall remain subject to affordable regulations for the minimum 50-year period of affordability. The covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit upon approval such declaration shall be recorded against the property containing the affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.</p> <p>29. Pursuant to Section 355-34.I(6)(a) of the Town Code the Applicant shall submit an exhibit demonstrating that the proposed AFFH units meet the minimum size requirements and are not less than 80% of the of average floor area of market rate units.</p>	<p>The Planning Board will need to determine whether the on-site recreational facilities meet the demands of the residents and not require the recreation fee.</p>
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