

PUBLIC HEARING

October 16, 2019

At 8:00 p.m. Supervisor Schiliro stated that a Public Hearing, which was opened on September 25, 2019, would be reconvened in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN that the North Castle Town Board will hold a public hearing on Wednesday, September 25, 2019, at 7:30 p.m., or as soon thereafter, at Town Hall, 15 Bedford Road, Armonk, New York, 10504, to consider the Special Use Permit Application of 45 Bedford Road LLC (site of Mariani Gardens Nursery). The proposed use of the premises is multi-family residential. The property is located at 45 Bedford Road, Armonk, NY, and known on the North Castle Tax Maps as 108.03-1-65, and located within the R-MF-DA Zoning District.

The special use permit application is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Alison Simon, Town Clerk

Dated: September 10, 2019
Armonk, NY

The Town Clerk noted that no additional correspondence was received since the Public Hearing was adjourned on September 25, 2019.

Town Attorney Roland Baroni said that if the Town Board chooses to close the public hearing tonight, the Board will be in a position to consider adoption of the special use permit resolution. Mr. Baroni noted that the SERQA process has been concluded; and the Board adopted a Negative Declaration. If the Board approves the special use permit, the Applicant can proceed to the Planning Board for consideration of the site plan. Mr. Baroni explained that the zoning change for this property was a legislative process within the discretion of the Town Board. He added that the special use permit is an as of right use under the zoning, subject to the criteria enumerated in the proposed resolution. Determination of the special use permit is an administrative function of the Board and, if the standards are met, the Board has no choice but to approve the special use permit.

Mark Miller, Veneziano & Associates, appeared before the Board representing 45 Bedford Road LLC, the Applicant and owner of the property located at 45 Bedford Road, the site of Mariani Gardens Nursery. Also in attendance were Rob Aiello, JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC (JMC), project engineer, and John Halper, Halper Architects LLC, project architect.

In response to a question from Councilman Berra, Mr. Aiello said that the proposed landscaping for the project along Route 22 is at the lowest elevation; and said the existing landscaping will remain.

In response to questions from Mr. Berra, Mr. Aiello and Mr. Miller reviewed approximate timelines for the completion of the project.

Councilman DiGiacinto requested that the Town Board recommend to the Planning Board to include the use of rainwater cisterns for irrigation purposes at the site.

In response to a request from Councilman Berra, Mr. Miller provided an update regarding discussions with the two property owners; the owner of 40 Bedford Road and the owner of Armonk Square, regarding an easement for a sidewalk from Bedford Road to the Armonk Square property.

Councilman DiGiacinto noted that as detailed in the Resolution, the Applicant has agreed to provide the construction of a right hand turn lane from Bedford Road to Maple Avenue. Supervisor Schiliro commented regarding the concept to create a fund for road and intersection improvements, introduced by Councilman DiGiacinto at the September 25, 2019 meeting, is no longer a consideration as the Applicant has agreed to pay for the construction of the right hand turn lane from Bedford Road to Maple Avenue.

Resident Kate Parker expressed opposition to the project citing concerns regarding air pollution. Resident Ed Woodyard read a statement of opposition to the project from Susan Shimer. Mr. Woodyard read an editorial from the October 1- October 7, 2019 issue of *The Examiner*; and he expressed concerns regarding the compatibility of the building heights compared with the scale of adjacent neighborhoods. Ann Rabinowitz Dantzig commented on the cost of future intersection improvements.

Resident Neal Baumann expressed support of the project citing the amount of time and the number of meetings during which the project was reviewed. Resident Alex Bacon expressed support of the project as an appropriate development for the site, and commented that he thought the proposed buildings are more sympathetic to the historic district than the buildings currently on the site.

Councilman Berra noted the amount of repeated comments against the project, which he thought represented the majority of the comments, due to its scale relating to the size of the buildings, the density, and the number of people who will be living at this site. Mr. Berra noted that these factors are objectionable to him; and he thought they were objectionable to many other people as well. Mr. Berra expressed concerns about the traffic impacts, the combination of building size and height, and the topography of the site with about two stories of the three story 'C' Building to be seen from Route 22. Councilman Berra said he thought it was a mistake to grant the special use permit because of the density of the project; and said he did not see a compelling reason to do so.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 9:14 at p.m.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Berra, Supervisor Schiliro

Noes: None

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of the Special Use Permit Application of 45 Bedford Road LLC (site of Mariani Gardens Nursery), and adoption of the Resolution, as amended, to add a condition that if determined feasible by the Planning Board, the site plan provide for rainwater harvesting via construction of cisterns in an effort to minimize utilization of potable water for irrigation purposes. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen D'Angelo, DiGiacinto, Reiter, Supervisor Schiliro

Noes: Councilman Berra

Alison Simon, Town Clerk

Dated: October 24, 2019

RESOLUTION

Action: Special Use Permit for Attached, Semidetached, Detached, or Multifamily dwellings in the Residential Multifamily—Downtown Armonk (R-MF-DA) District

Application Name: Mariani Residential Development

Owner/Applicant: 45 Bedford Road LLC

Zone: Residential Multifamily—Downtown Armonk (R-MF-DA) District

Location: 45 Bedford Road

Date of Approval: October 16, 2019

Expiration Date: October 16, 2020 (1 year)

WHEREAS, the Town of North Castle Town Board received a special use permit application to construct 43 residential units containing 76 bedrooms in four buildings; and

WHEREAS, the two buildings closest to Bedford Road comprise 4 four-bedroom ‘A’ units, with 2 such units in each building; and

WHEREAS, behind the ‘A’ units and along the western side of the property is the ‘B’ building, which contains 16 units, including 10 one-bedroom units, 2 two-bedroom units, and 4 three-bedroom units; and

WHEREAS, at the rear of the site, closest to Route 22, is the ‘C’ building, which contains 23 units, including 14 one-bedroom units, 7 two-bedroom units, and 2 three-bedroom units; and

WHEREAS, in accordance with the Zoning Code, 5 of the units will be AFFH units;

WHEREAS, pursuant to Section 355-21 of the Town Code, the R-MF-DA Zoning District permits attached, semidetached, detached, or multifamily dwellings, subject to the requirements of §355-40X of the Town Code via special use permit by the Town Board; and

WHEREAS, on September 9, 2019, the Planning Board reviewed and discussed the requested special use permit and positively recommended that the Town Board consider issuing the requested permits; and

WHEREAS, the Planning Board, in a September 10, 2019 letter to the Town Board also noted the following:

- The Planning Board directed the Applicant to revise the plans to depict a revised landscaping plan to reflect the importance of the property as a gateway into the Armonk Hamlet. The plans have been revised to depict the planting of large Red Oak trees along Maple Avenue, the planting of wildflowers and the introduction of specimen Magnolias. The Planning Board believes that a suitable landscape plan can be attained via site development plan review.
- Given the proposed significant number of new residents living on the property, the Planning Board recommends that the Applicant be required to provide a sidewalk from Bedford Road to the Armonk Square development located across the street. In addition, Planning Board recommends that a sidewalk be extended from Bedford Road to the existing Bee-Line bus stop on Maple Avenue. The Planning Board does not believe that continuing a sidewalk to Business Park Drive with a crosswalk on NYS Route 22 should be installed at this time.
- The Planning Board recommends that the Applicant place an easement along the Maple Avenue frontage that would enable the future construction of a right turn lane from Bedford Road onto Maple Avenue.

- The Planning Board believes that it is imperative that the Town Board have a firm grasp on how operations at the Maple/Bedford intersection will be impacted by this project, as well as currently approved, but unbuilt, projects and potential future projects that may utilize this intersection (lumberyard, Eagle Ridge, Airport Campus, etc). The Applicant has prepared a sketch depicting possible structural/physical improvements that will be necessary to improve operations for the future. The Town's Traffic Consultant is currently calculating a rough cost for these future improvements. The Planning Board recommends that the Town Board take into consideration the potential future costs of these improvements when contemplating development projects in and around the Armonk Hamlet.
- The Planning Board recommends that prior to the issuance of a building permit the Applicant demonstrate that adequate water supply and sewage disposal facilities can be provided in accordance with the requirements of the Town of North Castle, Westchester County Department of Health, and the New York State Departments of Health and Environmental Conservation.
- The Planning Board recommends that Building height be closely evaluated by the Town Board to ensure that building height is compatible with the scale of adjacent neighborhoods. The Town Code dictates that maximum building height shall only be permitted when special mitigating factors, such as Arterial Roads and/or topography, are present to ensure compatibility with adjacent neighborhoods as determined by the Town Board. When such special mitigating factors are not determined to be present by the Town Board, a maximum building height of 30 feet shall be provided within the district. The Planning Board recommends that the Town Board exercise their full discretion when evaluating Building Height.
- The Planning Board recommends that any landscaping proposed within a right-of-way be maintained by the Applicant.
- The Planning Board believes that the redesigned 'A' unit orientation (fronting Bedford Road) is compatible with the balance of development along Bedford Road and, in particular, Historic District #1.

WHEREAS, the application for special use permit was referred, on July 12, 2019, to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code; and

WHEREAS, the County provided the following comments in a July 22, 2019 letter to the Town:

- Review by County Department of Public Works and Transportation for a stream control permit and Bee-Line bus improvements should be conducted.
- Sidewalks. The proposed redevelopment of this site offers the opportunity to construct a sidewalk along the site's Maple Avenue frontage, which we have recommended be included in this development application. We point out that providing this sidewalk will help the application meet the special permit requirements by increasing pedestrian accessibility into downtown Armonk from areas south of Route 22, such as Business Park Drive and the proposed Eagle Ridge development, which can help offset the traffic increase generated by this development. We also point out that Bee-Line Bus stop #5062 along Maple Avenue currently has no sidewalk connecting to it, forcing bus riders to walk in the road shoulder to get to and from the bus stop. A sidewalk along Maple Avenue should also be combined with a new crosswalk across Route 22 (connecting to Business Park Drive) as well as with a pedestrian signal. We recommend the Town and applicant work with the NYS Department of Transportation with respect to providing this crossing of Route 22, which is a State road.

- Orientation of "Unit A" residences. We are disappointed that the site plan has been revised to further orient the "Unit A" buildings away from Bedford Road. We had hoped this development could be instrumental in creating a more pedestrian friendly streetscape along Bedford Road that would complement the nearby historic structures. The current layout of the site plan will not accomplish that goal as effectively. We encourage the applicant to reconsider placing the "Unit A" buildings along the street with parking in the rear.
- Public parking. Because of the shortage of public parking in downtown Armonk, we recommend the applicant consider working with the Town to provide some parking spaces that could be open to the public to use during times of peak parking demand.
- Recycling provisions. We recommend that the Town require the applicant to verify that sufficient storage measures are provided to accommodate the expanded County recycling program. County regulations for recycling may be found at <http://environment.westchestergov.com>.
- Green building technology and bicycle parking. We commend the applicant for proposing porous pavement for most of the surface parking spaces surrounding "Building C". The Town should encourage the applicant to incorporate as many "green" or sustainable building methods and technologies as possible into the proposed redevelopment. We also recommend providing a bicycle storage area for residents.

WHEREAS, a duly advertised public hearing on said application was conducted on September 25, 2019, and closed on October 16, 2019, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, §355-37 of the North Castle Code establishes certain general standards for all special permit uses; and

WHEREAS, in order for the Town Board to approve a special use permit, the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 355-37(A) of the Town Code, in order to grant a special permit, the Town Board must find that “the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in” the Town Code; and

WHEREAS, the subject property is located within the Residential Multifamily—Downtown Armonk (R-MF-DA) Zoning District; and

WHEREAS, within close proximity are the Armonk Hamlet business district, the Residence Office district and Wampus Brook Park; and

WHEREAS, the Applicant has studied the potential traffic impacts of the proposed action; and

WHEREAS, the Traffic Study was completed for 50 units on the Subject Property; and

WHEREAS, the modification to the plan has reduced the number of units by 7 for a total of 43 units; and

WHEREAS, a detailed and updated traffic report is not needed and the analyses and findings of the first report are appropriate, with certain modifications; and

WHEREAS, results of the previous analyses prepared by the Applicant and reviewed by the Town’s Traffic Consultant indicate that the signalized intersection of Bedford Road at Maple Avenue will continue to operate at acceptable Levels of Service during each of the peak hours; and

WHEREAS, however, it is acknowledged that it is a busy intersection and motorists experience short-term delays during peak hours; and

WHEREAS, at the intersection of Maple Avenue/Bedford Road the road improvements and traffic signal operation currently in place are appropriate and may only need some minor fine tuning to address short-term traffic congestion, such as School dismissal in the mid-afternoon; and

WHEREAS, however, the Town should plan for future roadway improvements to this intersection, as needed, as traffic increases in the area and other developments come online generally along the NYS Route 22 Corridor and NYS Route 120, with some of this development having an indirect impact on the Armonk Hamlet; and

WHEREAS, based upon the above, the project will adequately mitigate any impact on existing transportation systems; and

WHEREAS, the proposed project would accomplish many of the goals of the Comprehensive Plan, including, minimizing traffic and parking impacts by permitting multifamily residential adjacent to the Armonk Hamlet and by strengthening the Armonk Hamlet commercial core by prohibiting additional commercial uses on the subject site; and

WHEREAS, given the generally recognized need for various types of housing to accommodate different ages, incomes and lifestyles, the proposed multifamily zoning district would be consistent with the Comprehensive Plan; and

WHEREAS, the proposed action would ultimately result in the development of a 43 unit project with 76 bedrooms, 5 units of which are AFFH units; and

WHEREAS, the proposed use would be compatible with surrounding uses; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all requirements for such use established in the Town Code; and

WHEREAS, pursuant to § 355-37(B) of the Town Code, the second criteria for the issuance of a special permit is that “the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings;” and

WHEREAS, Building height has been closely evaluated by the Town Board to ensure that building height is compatible with the scale of adjacent neighborhoods; and

WHEREAS, the Town Board finds that the proposed additional height of the rear building adjacent to NYS Route 22 is acceptable as the topography of the area and the proximity to NYS Route 22 are special mitigating factors that ensure compatibility with adjacent neighborhoods; and

WHEREAS, the proposed building height complies with the requirements of the zoning code and the Planning Board will require the implementation of a landscaping plan during site plan review; and

WHEREAS, the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings and a landscaping plan will be implemented, and that the construction of this project will promote appropriate development and use of adjacent land and buildings; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings; and

WHEREAS, pursuant to § 355-37(C), the third requirement for the issuance of a special permit is that “operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit;” and

WHEREAS, the proposed multi-family residential project will not generate significant noise, fumes or vibrations; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit; and

WHEREAS, pursuant to § 355-37(D) of the Town Code, the Town Board, in order to grant a special permit, must find that “parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety;” and

WHEREAS, the proposed site has been designed to provide off-street parking in an amount required by the Town Code; and

WHEREAS, the proposed entrance and exit drives will be suitably designed to the satisfaction of the Planning Board; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking areas are of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways are laid out so as to achieve maximum convenience and safety; and

WHEREAS, pursuant to § 355-37(E) of the Town Code, the fourth criteria for the issuance of a special permit is compliance “where required, [with] the provisions of the Town Flood Hazard Ordinance;” and

WHEREAS, the Applicant has designed the project to meet the minimum flood requirements of the Town Code and the Applicant will be required to obtain the necessary floodplain development permit from the Town as a condition of this permit and the site development plan approval; and

WHEREAS, the Town Board, based upon its review of the entire record finds that development will require the issuance of a floodplain development permit prior to the issuance of a building permit; and

WHEREAS, pursuant to § 355-37(F), it is required that “the Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment;” and

WHEREAS, the SEQRA review of the Proposed Action has been concluded; and

WHEREAS, the Town Board adopted a Negative Declaration on June 12, 2019.

WHEREAS, the Town Board, based upon its review of the entire record, determined that the project will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, §355-40.X of the North Castle Code establishes certain specific standards for attached, semidetached, detached, or multifamily dwellings in the Residential Multifamily – Downtown Armonk (R-MF-DA) district; and

WHEREAS, in order for the Town Board to approve a special use permit, the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 355-40.X(1)(a) of the Town Code, building height shall be closely evaluated by the Town Board to ensure that building height is compatible with the scale of adjacent neighborhoods. Maximum building height shall only be permitted when special mitigating factors, such as Arterial Roads and/or topography, are present to ensure compatibility with adjacent neighborhoods as determined by the Town Board. When such special mitigating factors are not determined to be present by the Town Board, a maximum building height of 30 feet shall be provided within the district; and

WHEREAS, Building height has been closely evaluated by the Town Board to ensure that building height is compatible with the scale of adjacent neighborhoods; and

WHEREAS, the Town Board finds that the proposed additional height of the rear building adjacent to NYS Route 22 is acceptable as the topography of the area and the proximity to NYS Route 22 are special mitigating factors that ensure compatibility with adjacent neighborhoods; and

WHEREAS, the proposed building height complies with the requirements of the zoning code and the Planning Board will require the implementation of a landscaping plan during site plan review; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the building height has been closely evaluated by the Town Board; and

WHEREAS, pursuant to § 355-40.X(1)(b) of the Town Code, in order to grant a special permit, the Town Board must find that a “landscaped area shall be required along all street frontages.”

WHEREAS, the Applicant has provided plans to the Planning Board depicting proposed landscaping along the street frontages; and

WHEREAS, the Town Board, based upon its review of the entire record finds that required landscaping will be provided as part of the Planning Board site plan review; and

WHEREAS, pursuant to § 355-40.X(1)(c) of the Town Code, in order to grant a special permit, the Town Board must find that visual privacy shall be preserved for residents through the proper design of rear yards, terraces, decks or patio spaces. Proper screening through the use of vegetation and fencing shall be provided; and

WHEREAS, the Applicant has provided plans to the Planning Board depicting proposed visual privacy; and

WHEREAS, the Town Board, based upon its review of the entire record finds that required visual privacy will be provided as part of the Planning Board site plan review; and

WHEREAS, pursuant to § 355-40.X(1)(d) of the Town Code, in order to grant a special permit, the Town Board must find that audio privacy shall be maintained by requiring proper standards for party walls that will satisfactorily limit sound transmission between adjoining dwelling units; and

WHEREAS, the Applicant has provided plans to the Planning Board depicting proposed audio privacy; and

WHEREAS, the Town Board, based upon its review of the entire record finds that required audio privacy will be provided as part of the Planning Board site plan review; and

WHEREAS, pursuant to § 355-40.X(1)(e) of the Town Code, in order to grant a special permit, the Town Board must find that private outdoor space shall be provided through the use of decks, terraces, or patios for each unit, if deemed appropriate by the Planning Board; and

WHEREAS, the Applicant has provided plans to the Planning Board depicting proposed private outdoor space; and

WHEREAS, the Town Board, based upon its review of the entire record finds that required private outdoor space will be provided as part of the Planning Board site plan review; and

WHEREAS, pursuant to § 355-40.X(2) of the Town Code, in order to grant a special permit, the Town Board must find that adequate water supply and sewage disposal facilities shall be provided in accordance with the requirements of the Town of North Castle, Westchester County Department of Health, and the New York State Departments of Health and Environmental Conservation; and

WHEREAS, it is anticipated that the site will be developed with 43 residential units containing a total of 76 bedrooms; and

WHEREAS, the property will be served by public water supply, Town of North Castle Water District #4.

WHEREAS, new public water mains and fire hydrants will be installed on the property to serve the proposed development; and

WHEREAS, the total estimated water requirement for the project was calculated using the standards set forth in the “New York State Design Standards for Intermediate Sized Wastewater Treatment Systems,” March 5, 2014, by the NYSDEC, with an estimated sanitary demand of 110 gpd per bedroom; and

WHEREAS, this proposed development will include a total of 76 bedrooms, which results in a water demand of approximately 8,360 gallons of water per day, excluding irrigation; and

WHEREAS, the water demand for irrigation, with conservation measures (estimate of 30% of the property), based on 1” per week per acre is estimated to be approximately 5,500 gallons per day; and

WHEREAS, the total proposed demand with irrigation is estimated to be 13,860 gallons per day; and

WHEREAS, it is also noted the original site plan approval also included an estimate of 6,000 gallons per day for irrigation; and

WHEREAS, the project’s initial site plan approvals circa 2007 included the following projected estimates considered in the initial site plan approval:

2007 Approval – Water Usage Estimates

USE	ESTIMATED WATER USAGE	DAILY FLOW (GPD)
6,600 s.f. Office	0.1 GPD per S.F.	660
8,557 s.f. Market	0.1 GPD per S.F.	858
16 Seat Accessory Café	35 GPD / Seat	560
Total		2,078

2012 Approval – Water Usage Estimates

In 2012, site plan approval was granted to change the accessory café to a 72-seat wine bar / café use, resulting in an increase of 1,960 gallons per day.

USE	ESTIMATED WATER USAGE	DAILY FLOW (GPD)
6,600 s.f. Office	0.1 GPD per S.F.	660
8,557 s.f. Market	0.1 GPD per S.F.	858
72 Seat Wine Bar / Café	35 GPD / Seat	2,520
Total		4,038

WHEREAS, for the proposed conditions without irrigation, the increase in domestic water consumption will be approximately 4,322 gallons per day compared to water usage estimates for the site’s previous approvals; and

WHEREAS, based on water usage records discussed with the Water Department, historic water consumption at the site is approximately 3,280 gallons per day; and

WHEREAS, the applicant has entered into a community benefits agreement which will assist in the Town’s ongoing efforts to increase the capacity of Water District #4; and

WHEREAS, the site will be served by the existing municipal wastewater system maintained by the Town of North Castle; and

WHEREAS, there is an 8” Ductile Iron Pipe in Bedford Road; and

WHEREAS, connection permits will be obtained from the Town of North Castle; and

WHEREAS, a new public sewer main will be constructed on the property to serve the multifamily residences; and

WHEREAS, in accordance with the standards set forth in the “New York State Design Standards for Intermediate Sized Wastewater Treatment Systems,” March 5, 2014, by the NYSDEC, there is an estimated sanitary demand of 110 gpd per proposed bedroom; and

WHEREAS, therefore it is estimated there will be total sanitary demand of 8,360 gallons per day generated by the project’s proposed 76 bedrooms; and

WHEREAS, the project’s initial site plan approvals circa 2007 included the following projected estimates considered in the initial site plan approval:

2007 Approval – Sewage Generation Estimates

USE	ESTIMATED SEWAGE GENERATION RATE	DAILY FLOW (GPD)
6,600 s.f. Office	0.1 GPD per S.F.	660
8,557 s.f. Market	0.1 GPD per S.F.	858
16 Seat Accessory Café	35 GPD / Seat	560
Total		2,078

2012 Approval – Sewage Generation Estimates

WHEREAS, in 2012, site plan approval was granted to change the accessory café to a 72 seat wine bar / café use, resulting in an increase of 1,960 gallons per day; and

USE	ESTIMATED SEWAGE GENERATION RATE	DAILY FLOW (GPD)
6,600 s.f. Office	0.1 GPD per S.F.	660
8,557 s.f. Market	0.1 GPD per S.F.	858
72 Seat Wine Bar / Café	35 GPD / Seat	2,520
Total		4,038

WHEREAS, based on the above, the project is estimated to increase sewage flows by 4,322 gallons per day as compared to the site’s prior approval for the existing uses; and

WHEREAS, the applicant has entered into a community benefits agreement which will assist in the Town's ongoing efforts to increase the capacity of Sewer District #2; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed project will have adequate water supply and sewage disposal facilities as a condition of any building permit; and

WHEREAS, pursuant to § 355-40.X(3) of the Town Code, in order to grant a special permit, the Town Board must find that "traffic access shall be from a public street of adequate capacity and design to safely and conveniently accommodate the expected traffic;" and

WHEREAS, the Applicant has studied the potential traffic impacts of the proposed action; and

WHEREAS, the Traffic Study was completed for 50 units on the Subject Property; and

WHEREAS, the modification to the plan has reduced the number of units by 7 for a total of 43 units; and

WHEREAS, a detailed and updated traffic report is not needed and the analyses and findings of the first report are appropriate, with certain modifications; and

WHEREAS, results of the previous analyses prepared by the Applicant and reviewed by the Town's Traffic Consultant indicate that the signalized intersection of Bedford Road at Maple Avenue will continue to operate at acceptable Levels of Service during each of the peak hours; and

WHEREAS, however, it is acknowledged that it is a busy intersection and motorists experience short-term delays during peak hours; and

WHEREAS, the Applicant has offered to work with the Town to construct a right hand turn lane from Bedford Road to Maple Avenue and other associated improvements; and

WHEREAS, in addition, the Town should plan for future roadway improvements to this intersection, as needed, as traffic increases in the area and other developments come online generally along the NYS Route 22 Corridor and NYS Route 120, with some of this development having an indirect impact on the Armonk Hamlet; and

WHEREAS, based upon the above, the project will adequately mitigate any impact on existing transportation systems; and

WHEREAS, the Town Board, based upon its review of the entire record finds that traffic access is from a public street of adequate capacity and design to safely and conveniently accommodate the expected traffic; and

WHEREAS, pursuant to § 355-40.X(4) of the Town Code, in order to grant a special permit, the Town Board must find that the project provides "vehicular and pedestrian improvements on and around the property necessary to mitigate any vehicular and pedestrian impacts associated with the project;" and

WHEREAS, the Applicant has indicated that it is willing to investigate providing a sidewalk to the Armonk Square project from Bedford Road; and

WHEREAS, the Applicant has indicated that it is willing to investigate providing a sidewalk to the existing adjacent bus stop on Maple Avenue; and

WHEREAS, the Town Board, based upon its review of the entire record finds that required pedestrian improvements around the property will be provided as part of the Planning Board site plan review; and

WHEREAS, pursuant to § 355-40.X(5) of the Town Code, in order to grant a special permit, the Town Board must find that "all exterior lighting shall be located so that the source of the light and any objectionable glare therefrom is not visible from any neighboring property. The height,

intensity, spacing and design of all exterior lighting fixtures shall be such that they will be in character with the area in which they are located. The level of lighting shall be limited to that necessary for safety and security purposes;” and

WHEREAS, the Applicant will provide a lighting plan to the satisfaction of the Planning Board; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the required lighting plan will be provided as part of the Planning Board site plan review; and

NOW THEREFORE BE IT RESOLVED, that this special permit shall be deemed to authorize only the particular use or uses specified in the permit and shall expire if work is not initiated within one year from the date of issue, or if said use or uses shall cease for more than one year for any reason or if all required improvements are not completed within two years from the date of issue or if all such required improvements are not maintained and all conditions and standards complied with throughout the duration of the use; and

BE IT FURTHER RESOLVED, that the special use permit be, and it hereby is, approved, subject to the conditions set forth below:

Conditions:

1. Compliance with all applicable local laws and ordinances of the Town of North Castle.
2. Adoption of site plan approval by the Town of North Castle Planning Board.
3. The Applicant shall obtain the required floodplain development permit from the Town of North Castle prior to the issuance of a building permit.
4. The Planning Board shall require adequate landscaping along all street frontages.
5. The Planning Board shall require adequate visual privacy pursuant to Section 255-40.X(1)(c) of the Town Code.
6. The Planning Board shall require adequate audio privacy pursuant to Section 255-40.X(1)(d) of the Town Code.
7. The Planning Board shall require private outdoor space to Section 255-40.X(1)(e) of the Town Code.
8. Prior to the issuance of a building permit, a contract for the expansion of the Sewer Treatment Plant shall be awarded and a contractor shall be authorized by the Town to proceed with the work, or sufficient capacity in the Sewer Treatment Plant shall be obtained in an alternative manner. In addition, an additional source of water shall be acquired, either by condemnation or otherwise.
9. The Applicant shall provide the required pedestrian and vehicular improvements around the property to the satisfaction of the Town Board, including, in particular, the construction of a right hand turn lane from Bedford Road to Maple Avenue, the construction of sidewalks from the intersection of Bedford Road and Maple Avenue to the existing Bee-Line bus stop and, provided that approvals are granted in accordance with Chapter 195 of the North Castle Town Code, or on appeal to the Town Board, and assuming necessary easements are granted by affected property owners, sidewalks along the entry road to Armonk Square from Bedford Road.
10. The Applicant shall provide the required lighting plan as part of the Planning Board site plan review.
11. If determined feasible by the Planning Board, the site plan shall provide for rainwater harvesting via construction of cisterns in an effort to minimize utilization of potable water for irrigation purposes.