

EAGLE RIDGE



Final Environmental Impact Statement

Lead Agency:

Town of North Castle – Town Board

October, 2020

**EAGLE RIDGE
North Castle Drive
Town of North Castle
Westchester County, New York
(Tax Map # 553800 108.03-1-62.1)**

FINAL ENVIRONMENTAL IMPACT STATEMENT

SEQRA Classification:

Type I Action

Lead Agency:

Town of North Castle
Town Board
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Project Sponsor:

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Submission Date:

October , 2020

Date of Acceptance: _____

Public Hearing Date: _____

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Chapter I

Introduction & Description of the Proposed Action

I - INTRODUCTION AND DESCRIPTION OF THE PROPOSED ACTION

INTRODUCTION

This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the requirements of Article 8 of the New York State Conservation Law, the State Environmental Quality Review Act (SEQRA) and the associated implementing regulations as set forth in 6 NYCRR part 617. This FEIS describes the evolution of the proposed Eagle Ridge development and responds to comments received concerning the Draft Environmental Impact Statement (DEIS).

The FEIS is organized as follows:

- I. Introduction and Description of the Proposed Action** – Includes a description of the initial project, proposed project revisions and modifications and the timeline of the environmental review process.
- II. Index of DEIS Comments** - Identifies all comments received both during the public hearing and in writing.
- III. Responses to DEIS Comments** - This section of the FEIS presents the responses to all of the comments received regarding the DEIS. Comments are organized by DEIS section heading, and where applicable, sections have been further broken down into sub-headings. Comments that are similar have been grouped together to allow for a coordinated response. The comments are presented in **Bold** typeface, followed by the response in standard typeface.
- IV. Appendix** - The Appendix includes relevant FEIS correspondence, public hearing transcripts and reports and studies in their entirety.

The DEIS is hereby incorporated in full, by reference.

I. Project Description:

Eagle Ridge is a mixed-use development proposed on an approximately 32.5 acre, vacant and undeveloped parcel of land located in the Town of North Castle, by MADDD Madonna Armonk LLC (the “Applicant”). In response to comments received during the DEIS public hearing process, the plan has evolved and has been revised as described more fully below.

The proposed development presented in the DEIS consisted of the subdivision of the property to create two lots of 26.25 acres and 6.25 acres respectively. The smaller 6.25-acre parcel would have been developed to support a 5-story, 172,893 square foot building containing a highly amenitized 91-room boutique hotel on the first and second floors and 70 rental apartments on the third, fourth and fifth floors. Parking was proposed within a 241 space, 2-story subterranean parking garage along with 66 surface spaces. The larger 26.25-acre parcel would have been developed to support 94 three-bedroom townhouses, open space amenities and associated improvements. This parcel was proposed to be rezoned from the existing OBH – Office Business Hotel district to the R-MF-A - Multifamily zoning district. Additionally, modifications were proposed to the OBH district to accommodate the project.

Under the current plan (the “FEIS Plan”), the 32.5-acre property would be subdivided to create two new lots of 17.03 acres and 15.51 acres.

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

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

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

Table I-1 presents a summary comparison between the DEIS Plan and the FEIS Plan

Table I-1 Comparison Between FEIS Plan and DEIS Plan		
Project Element	DEIS Plan	FEIS Plan
Gross Floor Area		
▪ Hotel	80,982 sqft	72,800 sqft
▪ Apartments/Condominiums	91,911 sqft	71,600 sqft
▪ Townhouses	258,160 sqft	140,000 sqft
Building Height		
▪ Hotel/Apt/Condo		
○ Stories	5 stories	4 stories
○ Feet	(71.6')	45'
▪ Townhouses	2 ½ stories	2 ½ stories
# Units		
▪ Hotel	91	115
▪ Apartments (DEIS) Condos (FEIS)	70	59
▪ Townhouses	94	50
# Parking Spaces		
▪ Hotel/Apartments (DEIS Plan)	308	N/A

▪ Townhouses	213	200
▪ Hotel (FEIS Plan)	N/A	215
▪ Multi-Family Condos (FEIS Plan)	N/A	112
Area of Disturbance	26.5 acres	19.1 acres
Steep Slope Disturbance (>25%)	4.3 acres 16.1%	1.7 acres 5.6%
Net Cut		
▪ Site + Buildings	-51,400 cy	-2,555 cy
Impervious Areas	10.4 acres	7.8 acres
Open Space	22.1 acres	24.7 acres
Water Usage	73,410 gpd	34,980 gpd
Wastewater Generation	73,410 gpd	34,980 gpd
Residential Population	414	228
School Children	53	22
Peak Hour Traffic	118 AM 146 PM	104 AM 130 PM

As documented in the DEIS, the FEIS Plan continues to include an array of green building measures; including:

- Energy star windows & appliances
- Additional wall & roof insulation
- Preservation of and access to open space
- Led lights
- Efficient irrigation and water reuse
- Rain barrels
- A portion of the required parking located in parking garages, which reduces surface paving and the heat-island effect
- Water-conserving fixtures
- Leak and water metering
- Low / no VOC paints, coatings and primers
- Composite wood products that emit low / no formaldehyde
- Environmentally preferable flooring
- Green roof and green walls
- Management and recycling of construction waste management
- Recycling storage
- Mold prevention: water heaters

- Radon mitigation
- Integrated Pest Management
- Active design: promoting physical activity within the building
- Staircases and building circulation
- Interior and outdoor activity spaces for children and adults
- Smoke-free building

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

Community Open Space

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

Pedestrian Paths

- Provides pedestrian connectivity internally and to surrounding community and open spaces
 - Contiguous paths, trail way system, and sidewalks used for pedestrian circulation, passive recreation, and fitness
 - Links to proposed sidewalks connecting the townhouse community to the hotel site and apartments
- Large portion of the paths surrounded by swaths of native meadows and wildflowers (black-eyed susan, coneflower, butterfly weed, aster, liatris, golden rod)

- A woodland trail creates connectivity within the community and provides for a diverse walking experience. Steps and switchbacks added to facilitate traversing steep areas

Townhouses Community and Streetscape

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

Bioswale

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

Woodland Edge

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

Hotel/ Apartment Site

- Create a sense of arrival at the front entry

- Groves of river birch and gardens of native perennials create a natural setting adjacent to outdoor hotel spaces
- Pool overlook area with views to the meadow and outdoor art
- Buffer planting of evergreens and oaks between Town Park and proposed buildings

Sculpture Meadow

- Functional and visual space which creatively addresses on-site storm water management
 - Quilt-like patterns of various meadow grasses provides habitat for birds
 - Sculptural earth forms
 - Large scale outdoor art
 - New trees with sculptural profiles informally frame views to outdoor art (willows, white oak, sycamore)

Site Lighting

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

Existing Trees / Landscape Restoration Plan

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

- Shade trees

- Sugar Maple (*Acer saccharum*)
- Red Maple (*Acer rubra*)
- Red Oak (*Quercus rubrum*)
- White Oak (*Quercus bicolor*)
- Honey Locust (*Gleditsia triacanthos*)
- River Birch (*Betula nigra*)
- American Elm (*Ulmus Americana* ‘Princeton’)
- Flowering trees
 - Flowering Dogwood (*Cornus florida*)
 - Eastern Redbud (*Cercis canadensis*)
 - Shadblow Serviceberry (*Amelanchier canadensis*)
- Evergreen trees
 - White Fir (*Abies concolor*)
 - White Spruce (*Picea glauca*)
 - Norway Spruce (*Picea abies*)*
 - Colorado Spruce (*Picea pungens*)
- The Following shrubs are proposed;
 - Winterberry (*Ilex verticillata*)
 - Compact Inkberry (*Ilex glabra* ‘Compacta’)
 - Bayberry (*Morella pensylvanica*)
 - Fragrant Sumac (*Rhus aromatica*)
 - Arrowwood Viburnum (*Viburnum dentatum*)
 - Grey Dogwood (*Cornus Racemosa*)
 - Red Osier Dogwood (*Cornus sericea*)
 - Virginia Sweetspire (*Itea virginica*)
 - Leatherleaf Viburnum (*Viburnum rhytidophyllum*) *
 - Doublefile Viburnum (*Viburnum plicatum* f. *tomentosum* ‘*Mariesii*’) *
 - Wintergem Boxwood (*Buxus sinica* var. *insularis*) *
 - Andromeda (*Pieris japonica*) *
 - Japanese Meadowsweet (*Spiraea japonica*) *
- The following Native Perennials & Grasses are proposed;
 - Blacke-Eyed Susan (*Rudbeckia hirta*)

* non-native, adapted

- Coneflower (*Echinacea purpurea*)
- Butterfly Weed (*Asclepias tuberosa*)
- New England Aster (*Symphyotrichum novae-angliae*)
- Blazing Star (*Liatris spicata*)
- Goldenrod (*Solidago rigida*)
- Joe-Pye Weed (*Eutrochium purpureum*)
- Garden Phlox (*Phlox paniculata*)
- Switchgrass (*Panicum virgatum*)
- Little Bluestem (*Schizachyrium scoparium*)
- Pennsylvania Sedge (*Carex pensylvanica*)
- Northern Prairie Dropseed (*Sporobolus heterolepis*)

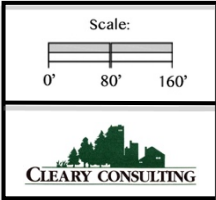
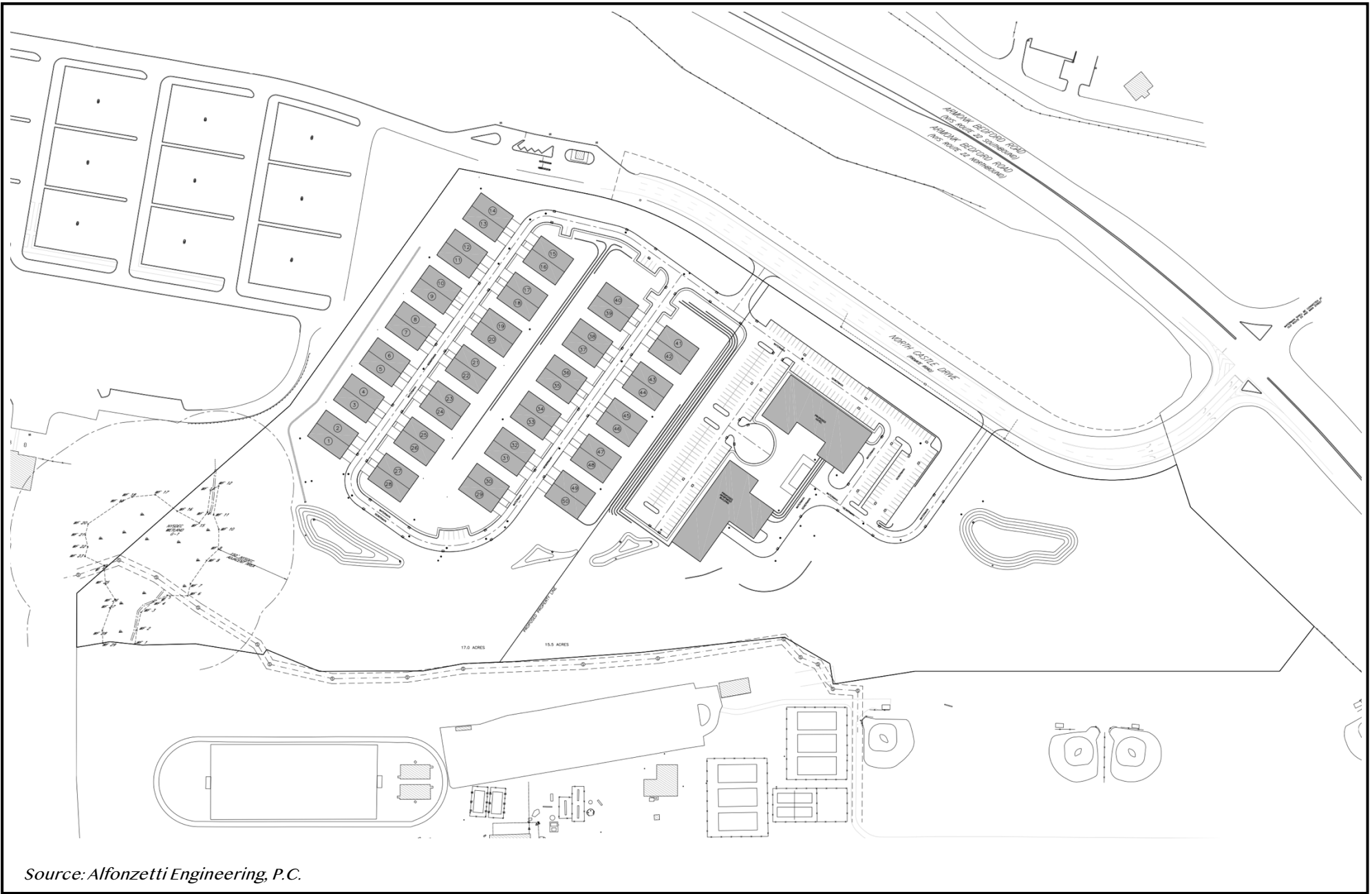
The FEIS Plan is presented in Figures I-1 – I-24.

The impacts of the FEIS Plan are summarized below.

A.) Land Use & Zoning:

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

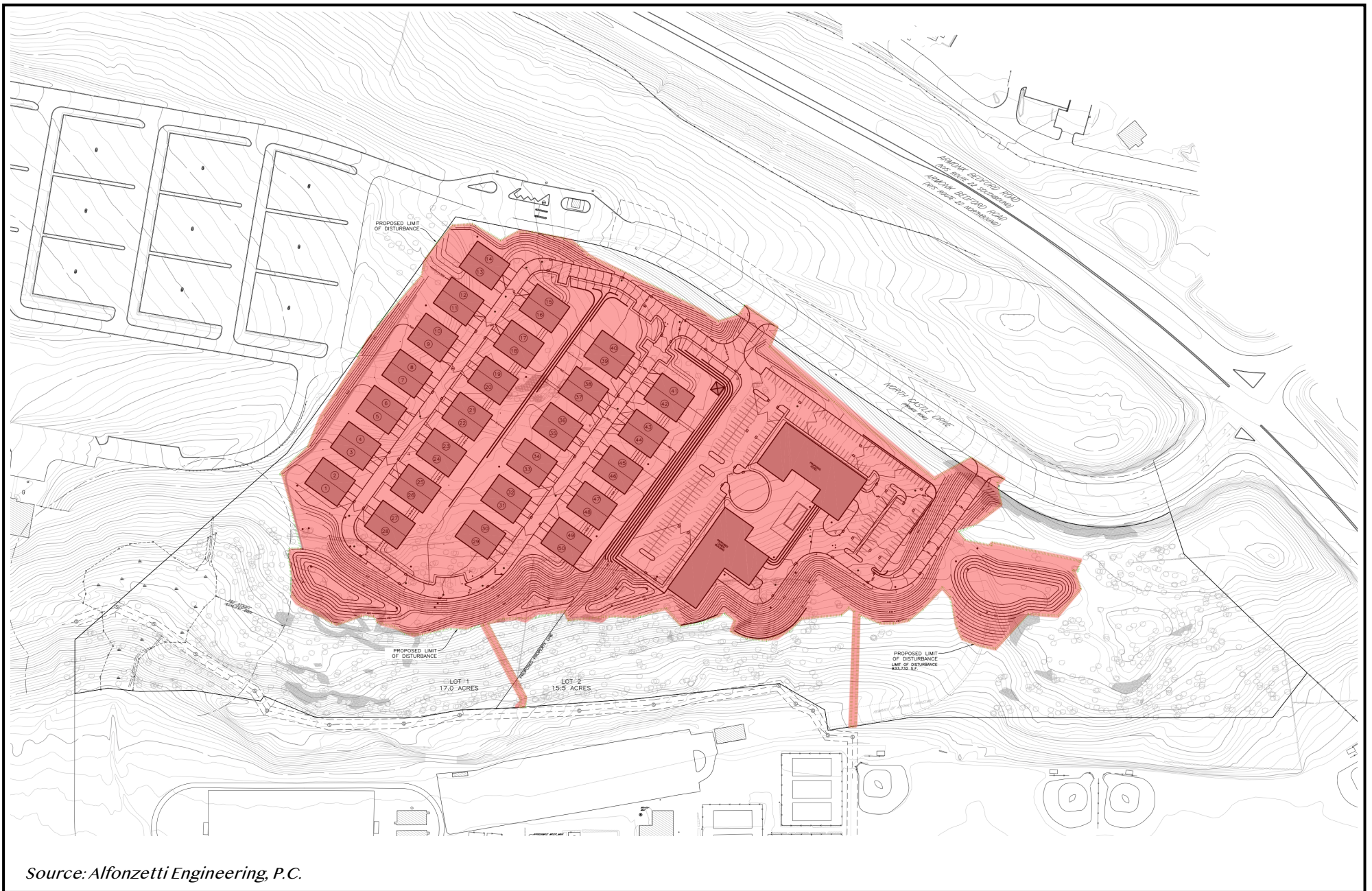
When the Town rezoned the Site to OBH, it was envisioned that a full-service hotel could be developed on a full 20+ acre parcel. The detailed market analysis conducted by the Applicant revealed that full-service hotel was not a realistically viable development opportunity, however, a smaller boutique or limited service hotel was. Because the hotel use must be reduced in scope and scale, it was determined that the Site would need to be subdivided, and alternative complementary uses added to the development to bridge the gap economically. In addition, the Lead Agency hired its own consultant to review the submitted hotel. The Town's consultant concluded that a hotel only development on the property, given the area's construction costs, would not make economic sense.



Site Plan



Figure
I-1

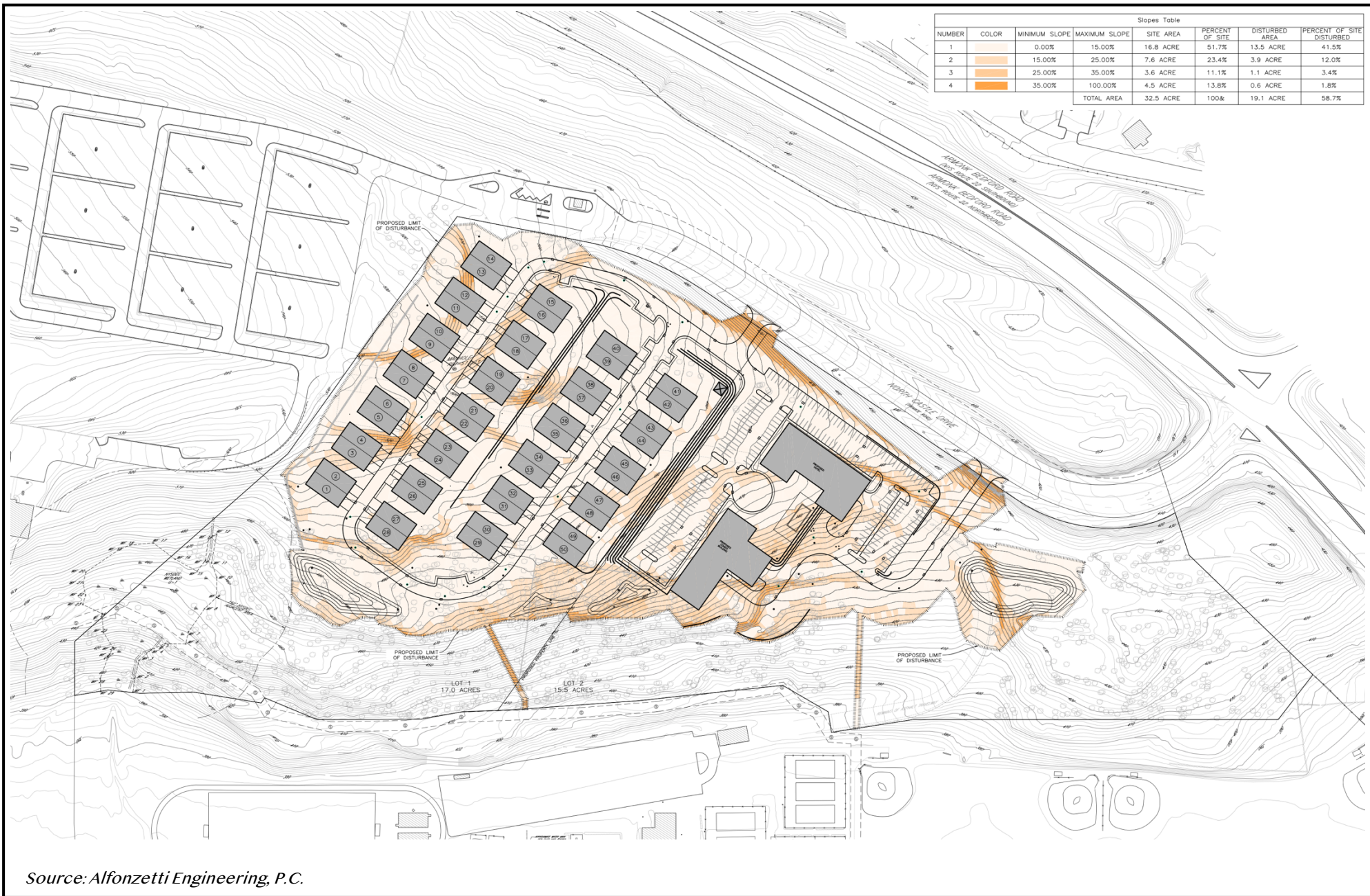


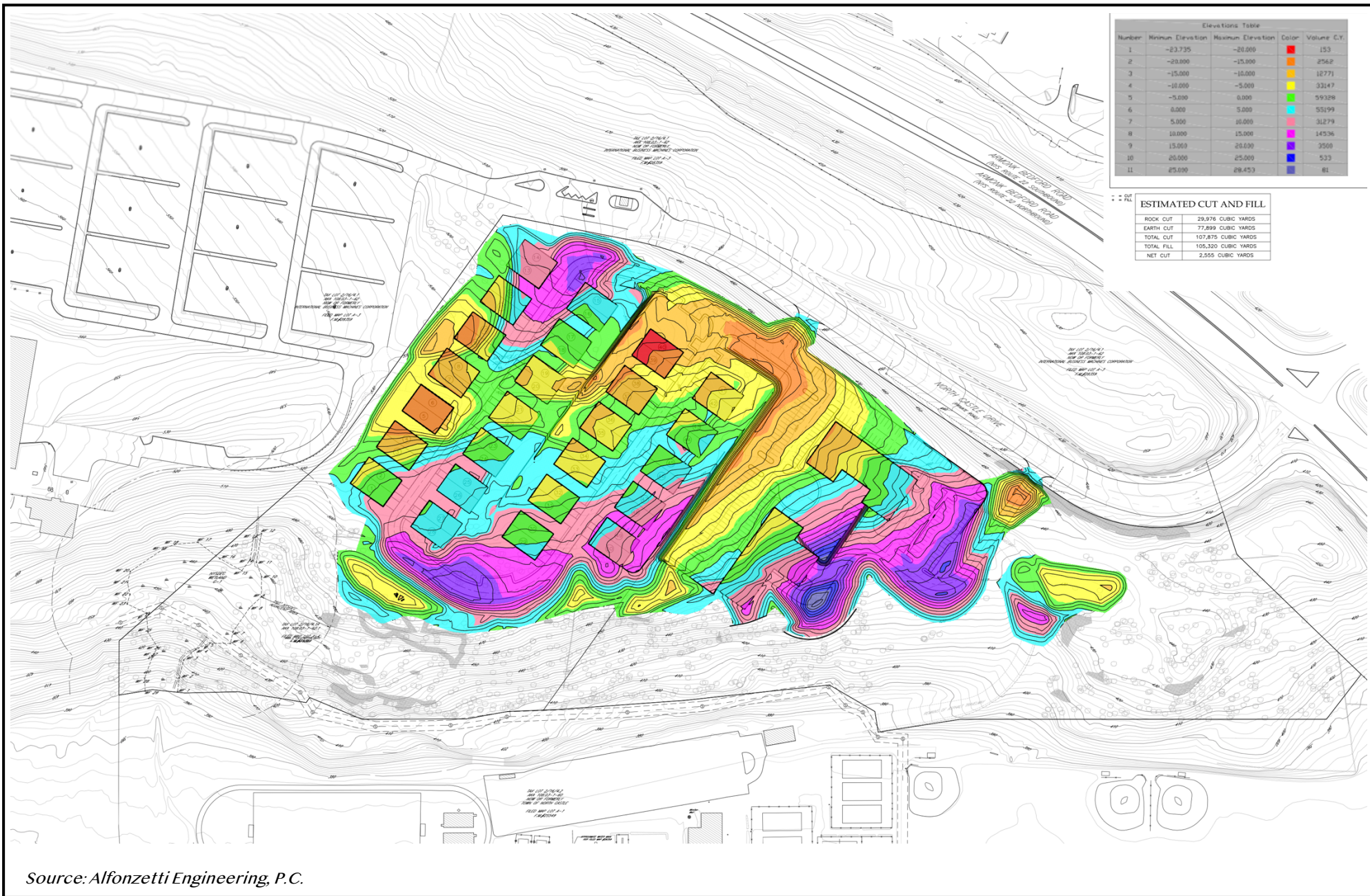
Limits of Disturbance

Scale:
0' 80' 160'



Figure
I-2





Elevations Table				
Number	Minimum Elevation	Maximum Elevation	Color	Volume C.Y.
1	-23.735	-20.000	Red	153
2	-20.000	-15.000	Orange	2562
3	-15.000	-10.000	Yellow	12771
4	-10.000	-5.000	Light Green	33147
5	-5.000	0.000	Green	59328
6	0.000	5.000	Cyan	55199
7	5.000	10.000	Blue	31279
8	10.000	15.000	Purple	14536
9	15.000	20.000	Pink	3500
10	20.000	25.000	Dark Blue	533
11	25.000	28.453	Dark Purple	61

ESTIMATED CUT AND FILL	
ROCK CUT	25,976 CUBIC YARDS
EARTH CUT	77,899 CUBIC YARDS
TOTAL CUT	107,875 CUBIC YARDS
TOTAL FILL	105,320 CUBIC YARDS
NET CUT	2,555 CUBIC YARDS

Scale:

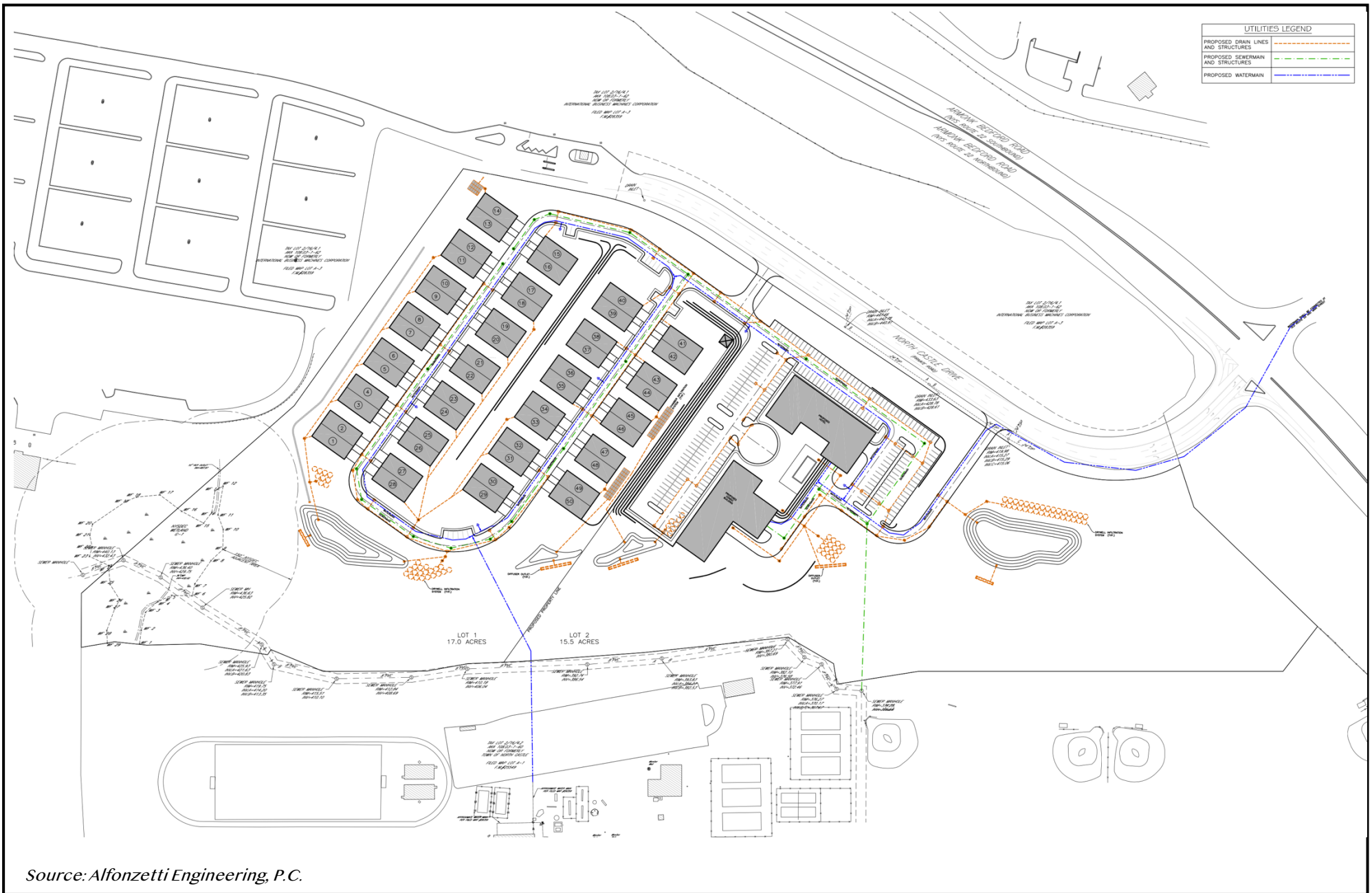
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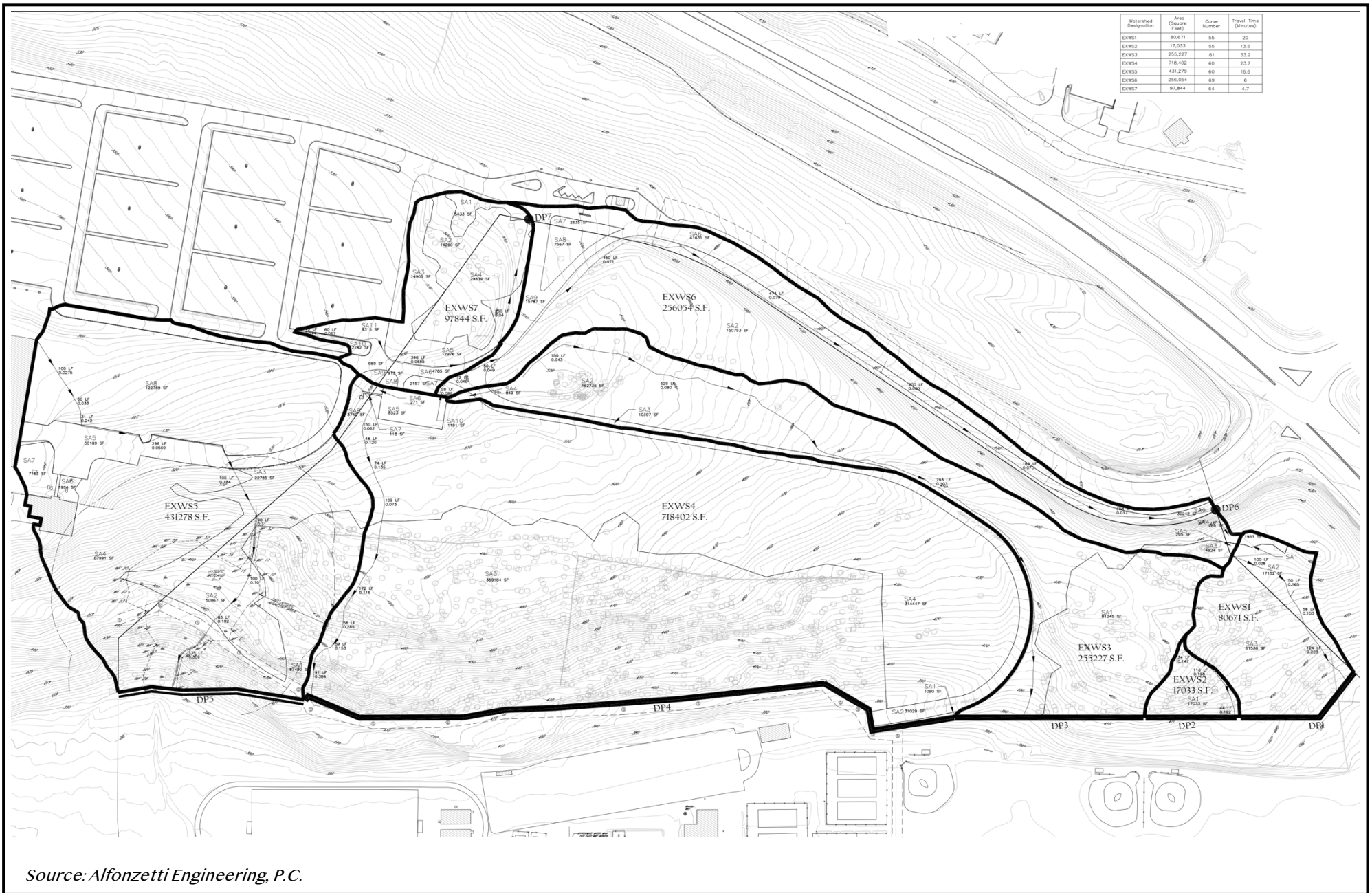
CLEARY CONSULTING

Cut and Fill Plan



Figure
I-5





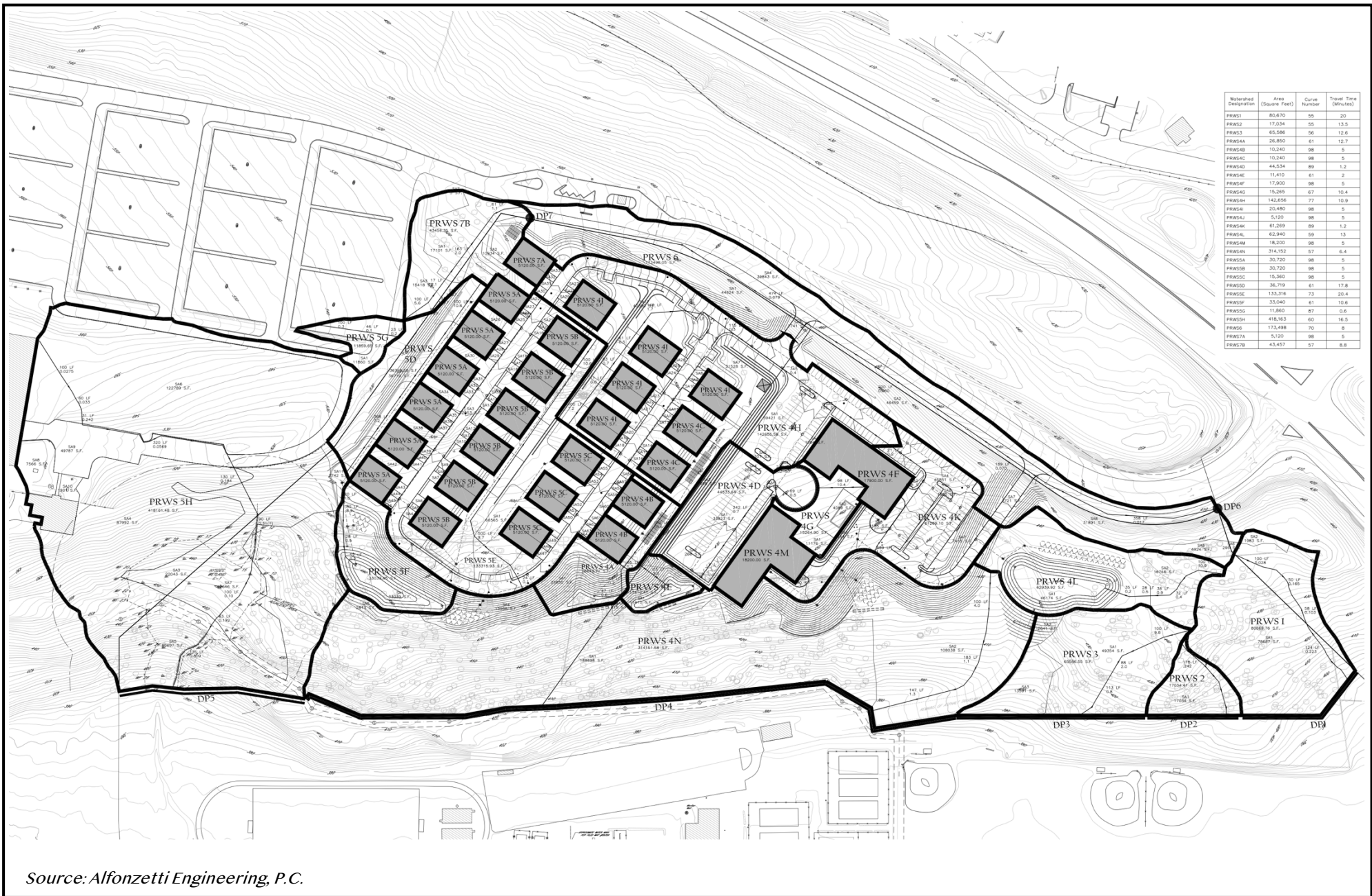
Watershed Designation	Area (Square Feet)	Curve Number	Travel Time (Minutes)
EXWS1	80,671	55	20
EXWS2	17,033	55	13.5
EXWS3	255,227	61	33.2
EXWS4	718,402	60	23.7
EXWS5	431,278	60	16.6
EXWS6	256,054	69	6
EXWS7	97,844	64	4.7

Scale:

0' 80' 160'

Existing Watersheds

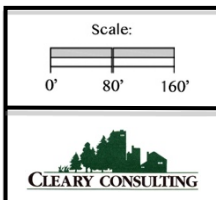
Figure I-7



Watershed Designation	Area (Square Feet)	Curve Number	Travel Time (Minutes)
PRWS1	80,670	55	20
PRWS2	17,034	55	13.5
PRWS3	45,586	56	12.8
PRWS4A	26,850	61	12.7
PRWS4B	10,240	98	5
PRWS4C	10,240	98	5
PRWS4D	44,534	89	1.2
PRWS4E	11,410	61	2
PRWS4F	17,900	98	5
PRWS4G	15,265	67	10.4
PRWS4H	142,456	77	10.9
PRWS4I	20,480	98	5
PRWS4J	5,120	98	5
PRWS4K	61,269	89	1.2
PRWS4L	62,940	59	13
PRWS4M	18,200	98	5
PRWS4N	214,152	57	6.4
PRWS4O	30,720	98	5
PRWS4P	30,720	98	5
PRWS4Q	15,360	98	5
PRWS4R	36,719	61	17.8
PRWS4S	133,316	73	20.4
PRWS4T	33,040	61	10.6
PRWS4U	11,960	87	0.6
PRWS4V	418,163	60	16.5
PRWS4W	173,498	70	8
PRWS4X	5,120	98	5
PRWS4Y	43,457	57	8.8



Source: IQ Landscape Architects, P.C.



Landscape Plan



Figure
I-9

Open Space Area = 836,143 square feet/19.2 acres



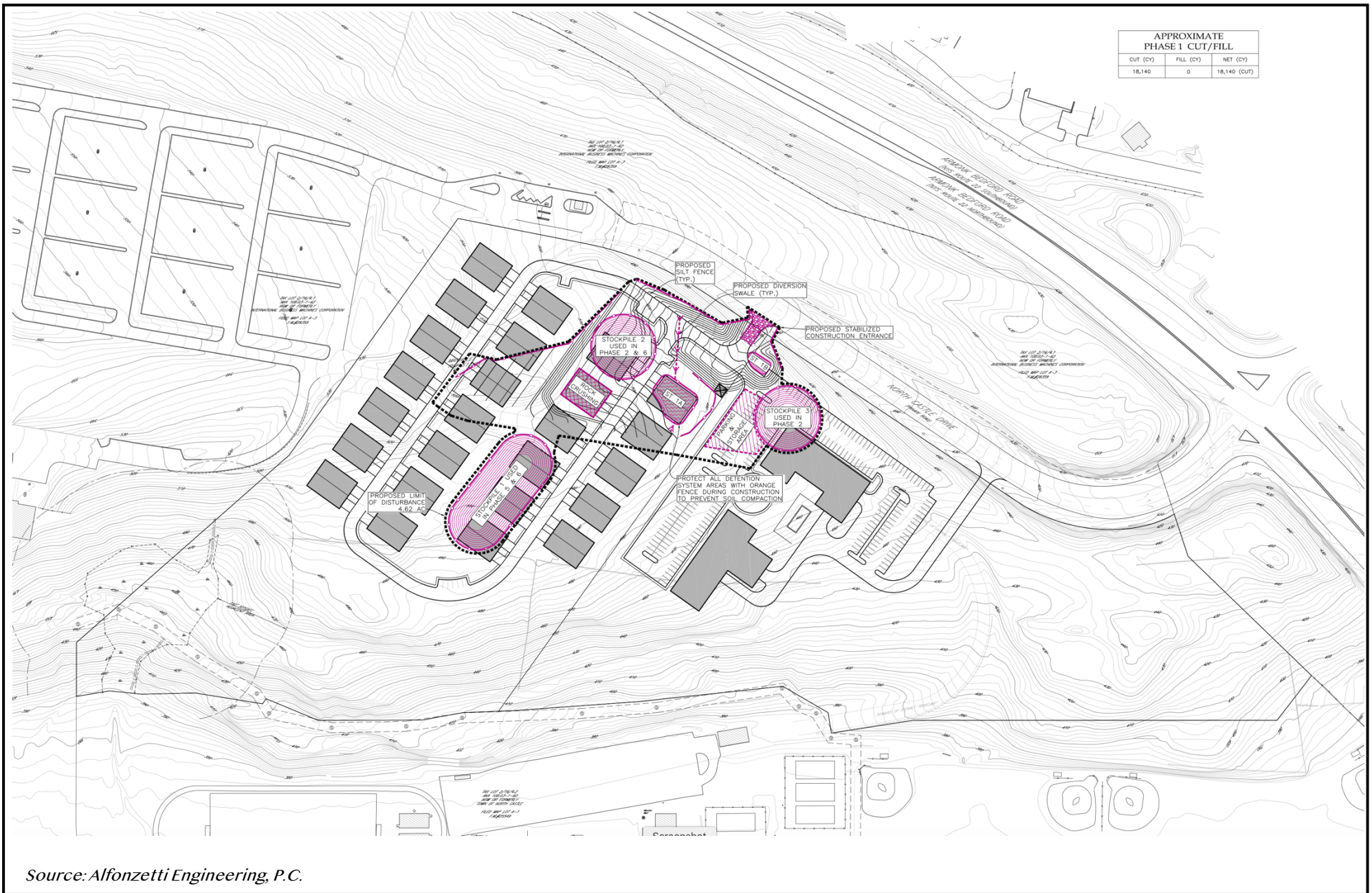
Source: IQ Landscape Architects, P.C.

Scale:
0' 80' 160'

Open Space Plan



Figure
I-10



APPROXIMATE PHASE 1 CUT/FILL		
CUT (CY)	FILL (CY)	NET (CY)
18,140	0	18,140 (CUT)

Scale:

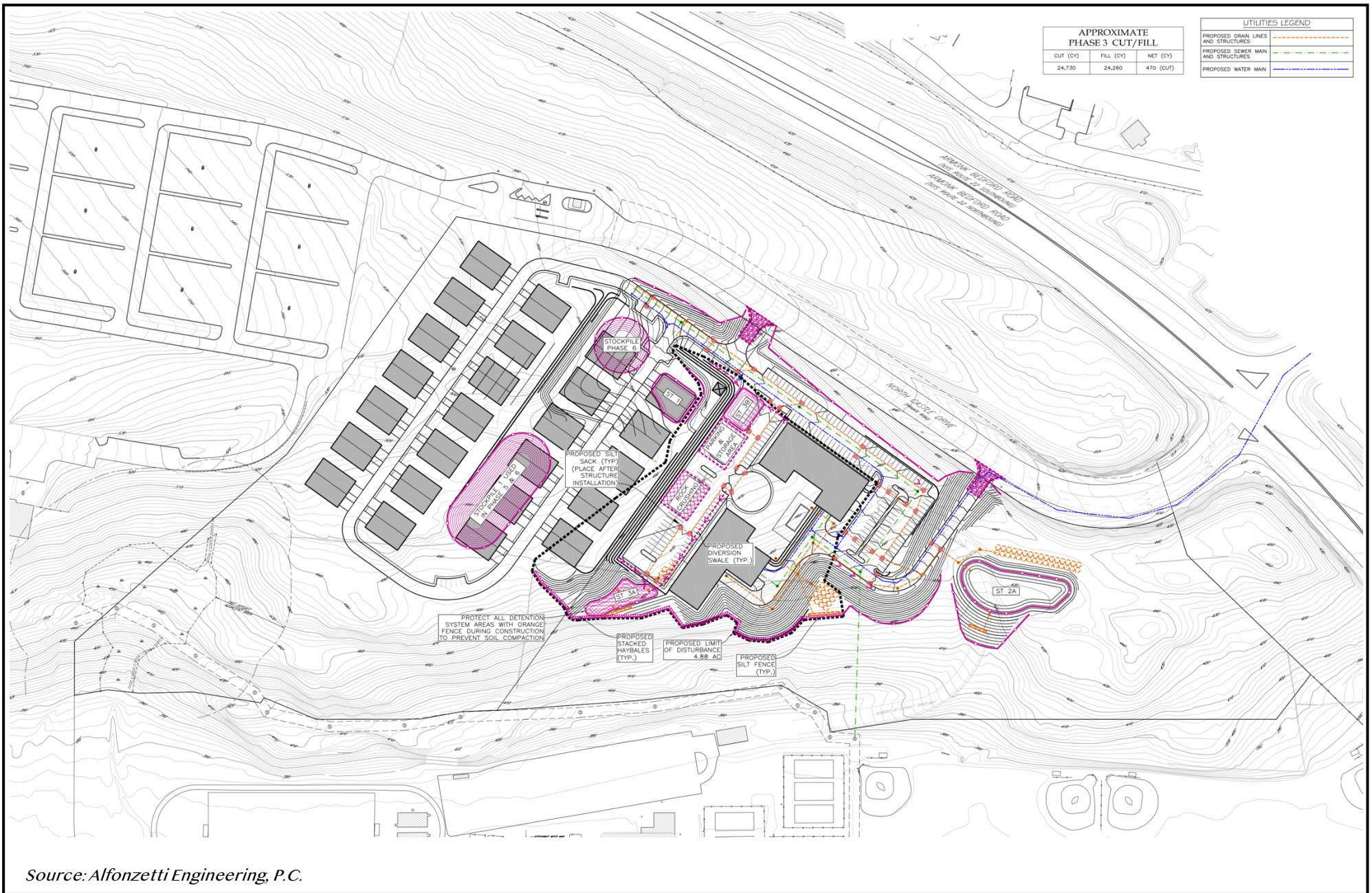
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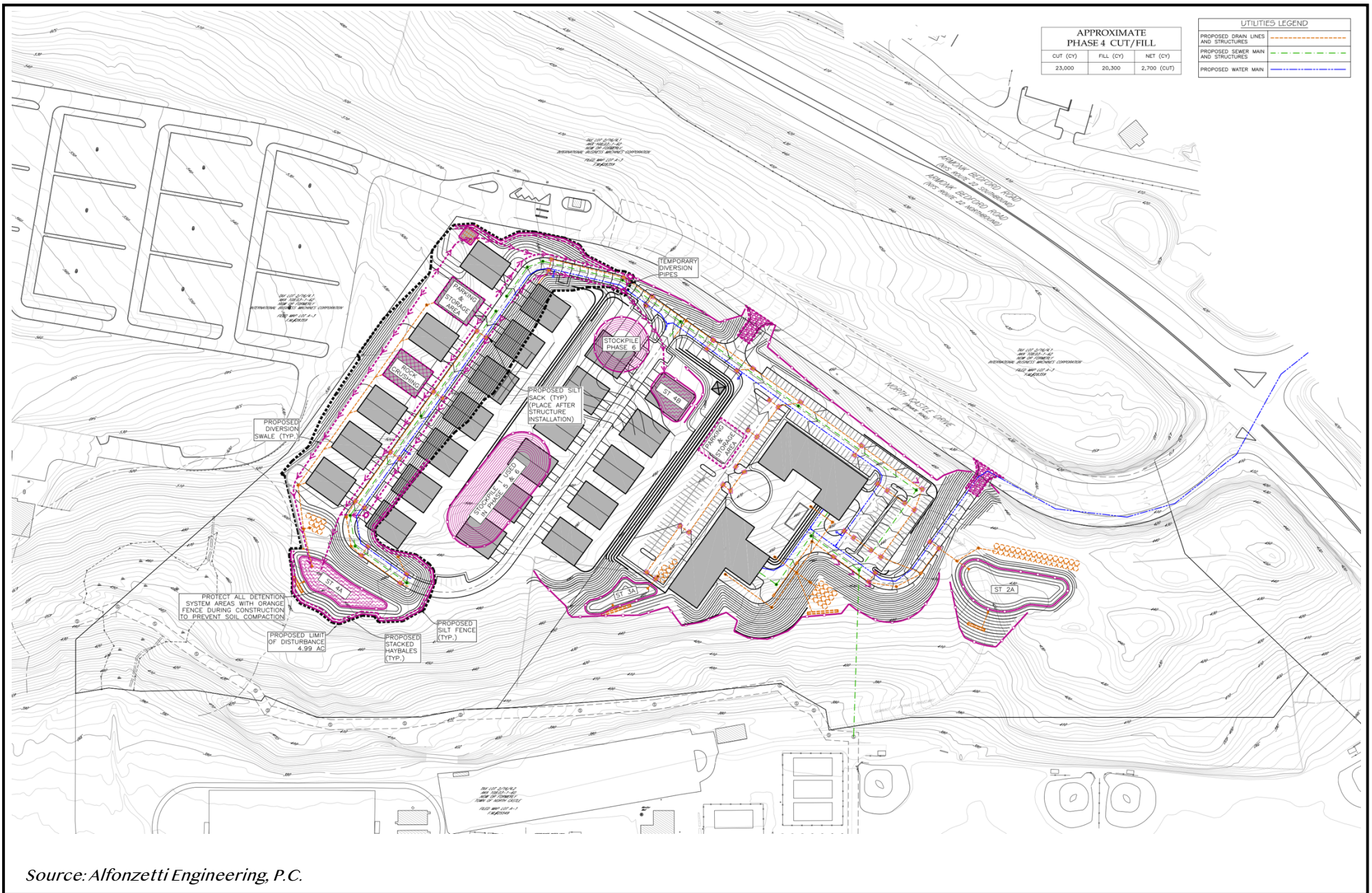
CLEARY CONSULTING

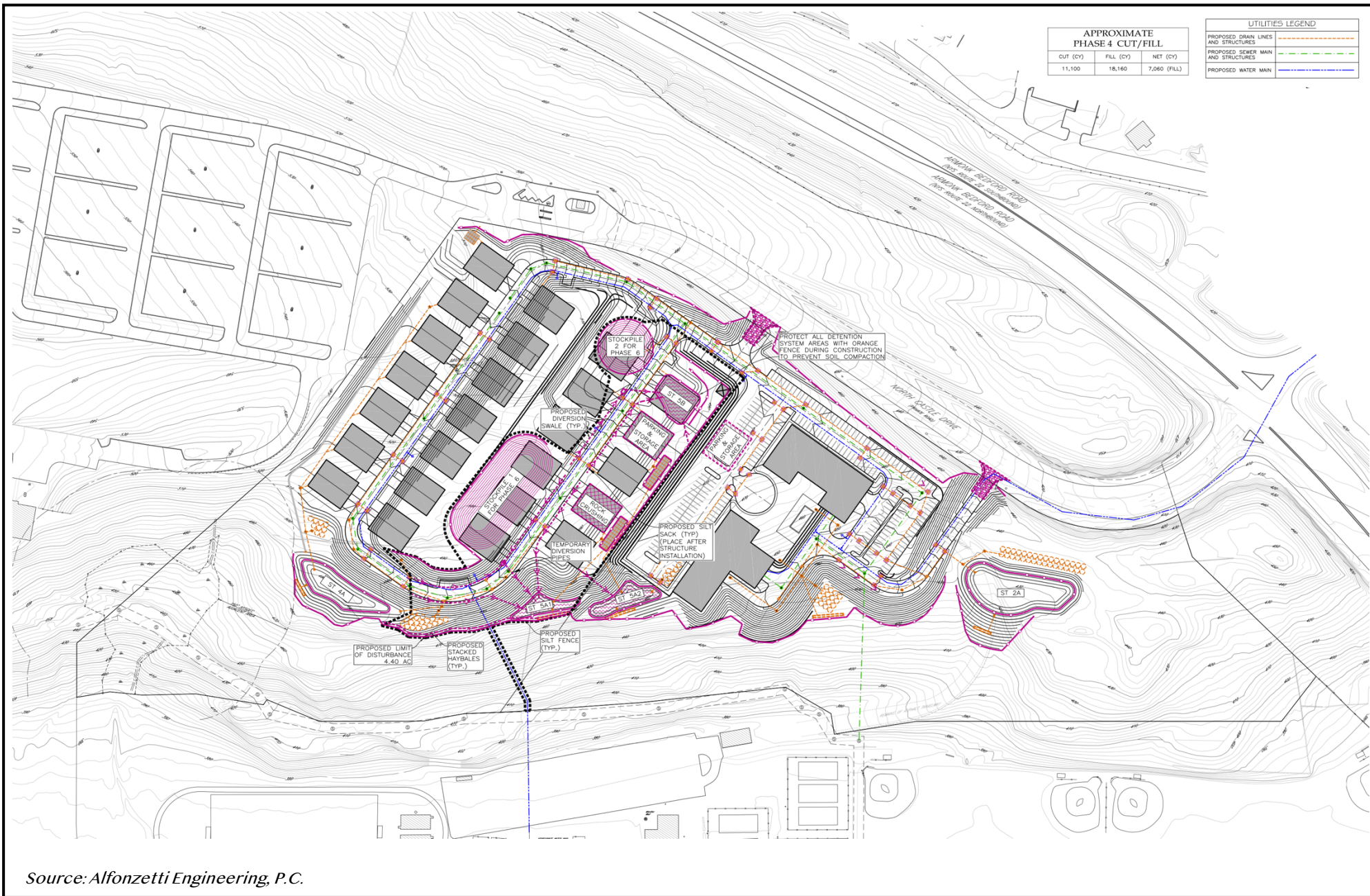
Phasing Plan - Phase 1

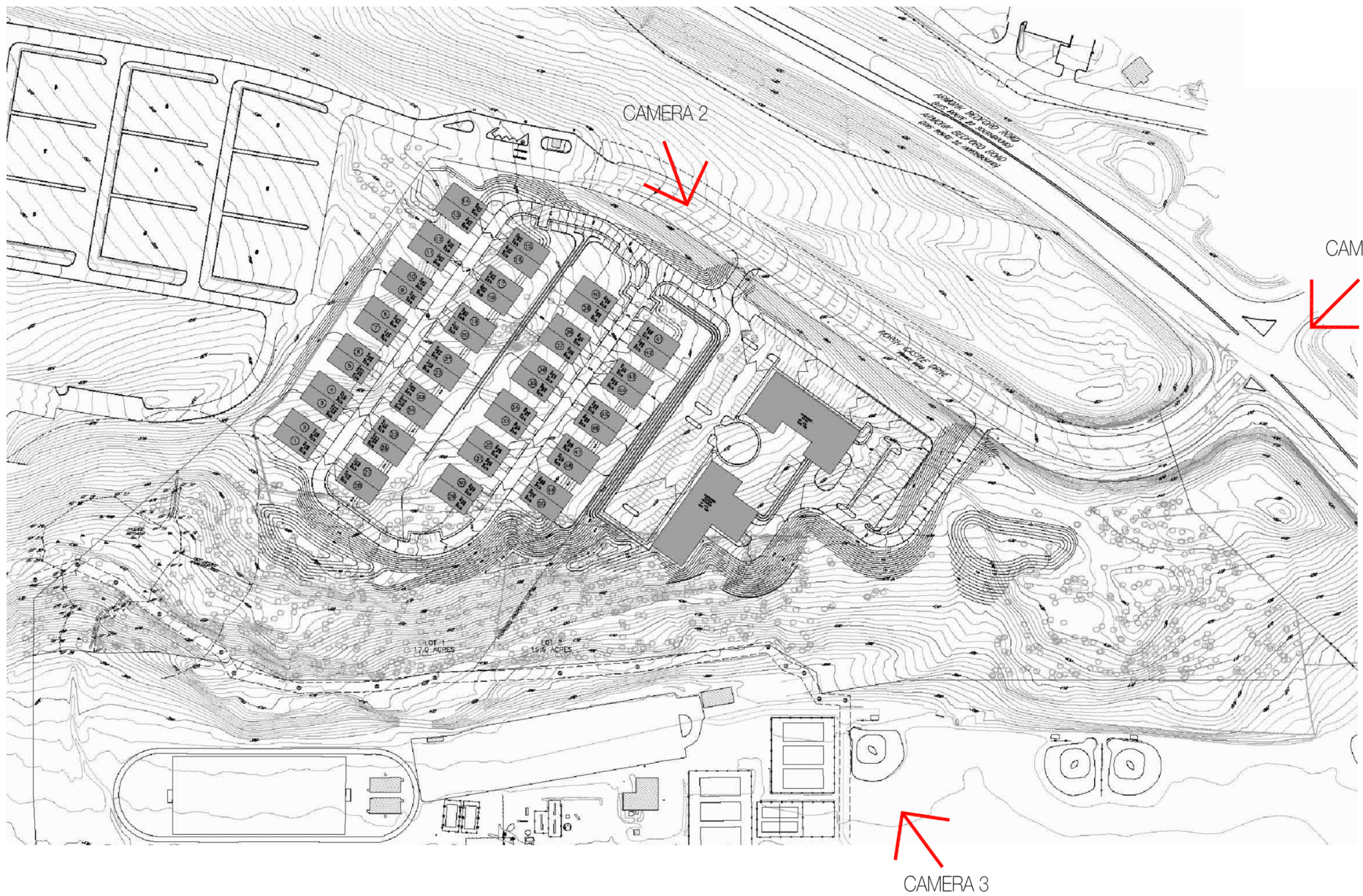


Figure
I-11

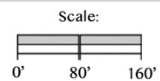








Source: Aufgang Architects



Rendering Key Map



Figure
I-17



Source: Aufgang Architects

Scale:
0' 80' 160'



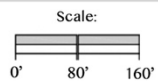
Camera 1 View – Project Rendering



Figure
I-18



Source: Aufgang Architects



Camera 2 View – Project Rendering



Figure
I-19



Source: Aufgang Architects

Scale:
0' 80' 160'



Camera 3 View – Project Rendering



Figure
I-20



Source: Aufgang Architects

Scale:
0' 80' 160'



Aerial View – Project Rendering



Figure
I-21



FRONT ELEVATION

Source: Aufgang Architects

N.T.S.

Hotel Elevation



Figure
I-22



FRONT ELEVATION



SIDE ELEVATION

Source: Aufgang Architects

N.T.S.

Condominium Building Elevations



Figure
I-23



FRONT ELEVATION



SIDE ELEVATION

Source: Aufgang Architects

N.T.S.

Townhouse Elevations



Figure
I-24

The density and dimensional regulations for the OBH zone were crafted by the Town to reflect the specific characteristics of the Project Site (which is the only parcel in Town zoned OBH). Because the hotel parcel is proposed to be reduced from the original 32.5-acres down to 15.51 acres, the applicable zoning provisions would similarly need to be modified, and a zoning petition to do so is part of the FEIS Plan. The requested zoning amendments are a Town Board legislative act and the Lead Agency will determine whether the proposed zoning amendments are acceptable.

The OBH zone is also proposed to be modified to allow for the development of a separate multi-family condominium building, which is currently a prohibited use in this district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The townhouse designs offer options that provide for first-floor master bedroom suites and include handicapped accessible amenities, in

accordance with the homeowner's choice of options. All units will be handicapped adaptable.

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

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

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

The Site is located in an area of very diverse land uses. Nevertheless, in the Applicant's opinion, the FEIS Plan is specifically consistent with the land use recommendations established in the Town's recently adopted Comprehensive Plan and the other various land use plans governing the area.

The most notable impact would be the change in the Site's land use from a vacant and primarily wooded parcel to a developed site supporting a limited service hotel, a multi-family condominium building and 50 townhouses, along with access roadways, accessory off-street parking areas and associated site improvements, including an extensive landscaping plan.

It is the Applicants opinion that the buildings are all well-designed, architecturally distinctive and relate well to the character of the surrounding area. A new comprehensive landscaping plan is proposed to provide a visually attractive site as well as a transitional buffer between the development, the

IBM campus and Community Park. It is the opinion of the Applicant that none of the impacts resulting from the FEIS Plan exceed any threshold that would classify it as adverse or significant. Nevertheless, an array of mitigation measures have been incorporated into the FEIS Plan; including:

- The Project Site was rezoned to accommodate a hotel use in 2010, but has not been developed in accordance with that zoning. The primary component of the FEIS Plan is a hotel use, which when developed, would fulfill the land use expectations of the Town for the Site as prescribed in the Comprehensive Plan and associated OBH zoning.
- The hotel and multi-family condominium buildings have been relocated to the center of the Site thereby significantly reducing the extent of site disturbances and reducing the required site excavation from 51,400 cubic yards of cut material down to 2,555 cubic yards, a vast reduction of over 95%.
- The new location of the hotel and multi-family condominium buildings align with the existing tennis bubbles at Community Park, thereby entirely preserving the wooded character of the northern portion of the Site and the associated view from the majority of the park and all of the open baseball fields.
- The hotel and multi-family condominium buildings have been lowered to 4 stories compared to the 5-story, 71.6' building proposed in the DEIS. While 4-stories is one more than currently permitted in the OBH zone, it should be noted that the overall height of 45' is fully compliant with the existing OBH zoning requirements. This reduction in height will reduce potential perceived visual impacts.
- The materials proposed for all of the building types have been selected to compliment the Site's natural surroundings.

- The FEIS plan reduces the amount of impervious surfaces from 10.4 acres in the plan presented in the DEIS to 7.8 acres, thereby minimizing stormwater runoff impacts and associated heat-island effects.
- The townhouses have been designed to work with the topography of the site, thereby avoiding excessive cuts and fills or the necessity for large retaining walls.
- The townhouse community has been designed around a looped oval roadway, which minimizes the length of the roadway, avoids dead-end cul-de-sac's and minimizes impervious surfaces.
- The townhouse building type was selected to minimize building footprints and associated site disturbances, when compared to traditional single-family homes.
- The zoning text amendments to the existing OBH district would only affect the Project Site, as no other properties in North Castle are zoned OBH.

B.) Geology & Soils:

The FEIS Plan presents a significant revision to the proposed development by shifting virtually all of the development to the southern half of the Site, thereby preserving most of the rugged topography on the northern portion of the Site. The plan presented in the DEIS involved disturbing approximately 26.5 acres or 81.5% of the Site, including 4.3 acres of designated steep slopes in excess of 25%. Most significantly, approximately 51,400 cubic yards of cut materials would need to have been removed from the Site.

The FEIS Plan drastically reduces the site disturbance impacts. The FEIS plan would disturb approximately 19.1 acres or 58.7% of the Site (a reduction of 7.4 acres of disturbance or 28%) and encroaches into only 1.7 acres of steep slopes in excess of 25% (a reduction of 2.6 acres or 58% reduction). Only approximately 2,555 cubic yards of excavation is now required (an extremely

large reduction of 48,845 cubic yards or over 95%). It is acknowledged that some of the required excavation may involve rock removal.

While some of the 2,555 cubic yards of excavated materials may be processed on-site and reused as fill, for the purposes of this analysis, it is assumed that all 2,555 cubic yards would be exported. Utilizing haul trucks with a 16 cubic yard capacity, approximately 160 truck trips would be required to remove this excess material, which will be exported in accordance with all applicable regulations to a suitable location(s). The 160 truck trips required to facilitate the FEIS Plan compares favorably to the 3,312 truck trips required for the plan presented in the DEIS, which has been abandoned. It is projected that the build-out of the Proposed Action will extend over a two-year period, and that material will be exported as the project progresses over the course of that time. This translates into less than one truck trips per week, compared to 34 trips per week for the previous plan.

As all excavated materials will be processed on-site, whether reused as fill or exported off-site, the impacts will be identical. Processing excavated material consists of crushing and screening to produce processed aggregate. These impacts are more fully addressed in Chapter IV. N. of the DEIS – Construction.

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

Based on field reconnaissance and preliminary boring data, it is anticipated that hard rock will be encountered during construction, which will require removal. When rock removal becomes necessary, the Applicant will first attempt to remove the rock through mechanical means (i.e. ripping or chipping with hydraulic hammers). If this approach proves infeasible due to

the hardness and density of the rock, blasting will be necessary. Prior to the start of any blasting activities, a detailed blasting plan shall be developed in accordance with Chapter 122 of the North Castle Code (Blasting & Explosives) and all applicable federal state and local regulations.

C.) Topography & Slopes:

The Site can be generally characterized as the eastern side of an oval shaped elongated hill that rises up from the Route 22/North Castle Drive/Main Street intersection, to the original IBM headquarters building, located on the crest of the hill at approximately elevation 570'.

The FEIS Plan will result in approximately 19.1 acres of disturbance to the Site during construction, compared to the 26.5 acres required for the plan presented in the DEIS (a reduction of 7.4 acres of disturbance). Of this total, approximately 1.7 acres of the disturbed area include designated steep slopes in excess of 25%, compared to 4.3 acres in the plan presented in the DEIS (a reduction of 2.6 acres of steep slope disturbance). A steep slope disturbance permit shall be obtained for these disturbances as required by Town Code. Construction related impacts to steep slopes will be mitigated by implementing best management practices and installing and maintaining erosion and sediment control measures. The permanent stabilization of disturbed steep slopes will be accomplished through the installation of retaining walls (as needed) and proposed revegetation and landscaping. The Lead Agency will determine whether the proposed amount of steep slope disturbance is acceptable.

D.) Vegetation & Wildlife

The FEIS Plan will disturb approximately 19.1 acres of the 32.5-acre Site (58.8%). This is 7.4 acres less than the 26.5 acres that would have been disturbed under the prior plan presented in the DEIS. Of this disturbance, 7.8 acres will be devoted to buildings, driveways, walkways and other paved surfaces, compared to the 10.4 acres resulting from the plan presented in the DEIS.

The FEIS Plan requires the removal of approximately 658 trees of the 1,524 trees present on the Site in excess of 8" dbh. This is 192 less than the 850 required to be removed under the previous plan presented in the DEIS. Of the trees that would be removed from the Site, few predate the previous orchard use. The balance were planted or have grown as pioneering species after the 1920's.

It is the Applicant's opinion that similar to the conclusions reached in the DEIS, the FEIS Plan will have no impact on any rare plants or significant natural habitats on the Site or in the vicinity and the ecological communities on the Site and their availability as habitat for local and migratory species of wildlife will not be adversely impacted by the Proposed Action.

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

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

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

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

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

Under the plan presented in the DEIS approximately 5.3 acres of the 9.2-acre area classified as oak-tulip tree forest ecological community would have been disturbed. Under the FEIS Plan, the area to be disturbed would be reduced to under an acre resulting from grading for the stormwater basins and the corner of the condominium building. As documented on the historical aerial photographs included in the DEIS, this area was previously cleared and part of the prior agricultural and orchard use. As this area to be disturbed is separated from the larger, in-tact oak-tulip tree forest ecological community which extends to the south by the on-site wetland area, and was previously cleared, the integrity of the oak-tulip tree forest ecological community in this area is marginal, at best.

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

phase of the Project, will re-inhabit the Site after the completion of construction.

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

As a result, it is the Applicant's opinion that no significant adverse wildlife impacts will result from the FEIS Plan.

E.) Wetlands:

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

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

F.) Stormwater:

The FEIS Plan will result in the creation of 7.8 acres of impervious surface, a reduction of 2.6 acres from the 10.4 acres of impervious surface resulting from the previous plan presented in the DEIS. The stormwater management plan for the FEIS Plan, as was the case with the plan presented in the DEIS, was developed in accordance with the "Five Step Process for Stormwater Site Planning and Practice Selection" set forth in the New York State Stormwater Management Design Manual.

The stormwater management plan for the FEIS Plan includes detention basins, subsurface infiltration devices, catch basins and manholes, hydrodynamic separators, sediment traps, rain gardens among other measures, including a

green roof which is under consideration. Additionally, the project has been phased to ensure that less than 5 acres of the Site is under construction at any one time.

Based on the analysis in the Stormwater Pollution Prevention Plan (SWPPP), it is the Applicant's opinion that the stormwater management practices proposed will adequately treat the runoff leaving the Site in regard to water quality. In addition, the proposed stormwater practices will control runoff quantities to ensure no adverse effects due to stormwater as a result of the FEIS Plan.

G.) Utilities:

The Project Site is located in Water District 4 and Sewer District 2. The FEIS Plan, consisting of the 115-room hotel with amenities, 59-unit multi-family condominium building and 50 townhouses, will result in a water demand of 34,980 gpd. This is 38,430 gpd below the 73,410 gpd required for the plan presented in the DEIS. Water service will be brought into the Site via a connection to the existing watermain located at the intersection of Route 22 and Business Park Drive. As was documented in the DEIS, to further mitigate the FEIS Plans water consumption, the Applicant is committed to employing environmentally responsible green building techniques such as the use of water efficient fixtures and appliances. An irrigation strategy will be developed during the site plan review stage that includes measures such as harvesting rainwater to reduce the demand on the public water supply, utilizing plant species that require less water, reducing areas that require irrigation and utilizing smart meters for sprinkler systems.

This volume, combined with the 120,190 gpd of cumulative water volume projected from other pending developments also seeking to draw water from Water District 4, would result in a water deficit for the District. The Town is in the process of expanding the capacity of Water District 4 to meet this increased demand through the installation of additional wells at the wastewater treatment plant site off Business Park Drive. While the Town continues to explore additional wells at the wastewater treatment plant site,

the Applicant has acquired the property located at 125 Business Park Drive, which has a well that produces 115 gpm. Upon receipt of all necessary approvals for the project, the Applicant intends to enter into a Community Benefits Agreement (“CBA”) with the Town of North Castle. Part of the CBA will include the applicant donating 125 Business Park Drive to the Town of North Castle. This will more than offset the FEIS Plan’s water demand, and will contribute to addressing the water deficiency in the District.

The FEIS Plan will result in a sanitary sewage flow of 34,980 gpd, which is 38,430 gpd below the 73,410 gpd resulting from the plan presented in the DEIS. Sanitary sewage will be accommodated through a connection to the sewer line located within the easement along the eastern edge of the Site. When the Applicant purchased the Site from IBM, a reserve sanitary sewage capacity of 35,000 gpd was also transferred. As stated above the FEIS Plan will result in a sewage flow of 34,980 gpd, which is within the 35,000 gpd capacity allocated to the site. Accordingly, the Applicant can accommodate the sewage flow associated with the FEIS Plan.

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

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

H.) Traffic & Transportation:

The FEIS Plan will result in the generation of a total of 104 AM peak hour vehicle trips and 130 PM peak hour vehicle trips (combined inbound and outbound). These volumes are 14 AM peak hour trips and 16 PM peak hour trips below the volumes attributed to the previous plan presented in the DEIS. The Level of Service delays experienced under future No-Build and future Build Conditions are similar. In the Applicant's opinion, no significant degradations in Levels of Service would result from the FEIS Plan.

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

The proposed shared entrance drive provides access to the northern hotel and multi-family condominium building parcel as well as the southern townhouse parcel. It includes one entry lane and one exit lanes to accommodate vehicles. A proposed school bus stop will be located in the townhouse development. The Applicant will work with IBM to provide the Town with an easement over North Castle Drive, a private road owned by IBM, so that the public-school busses can access the site. It is understood that the Town believes that the Byram Hills School District may not allow school bus access over an easement on a private road. It is the Applicant's understanding that such a condition would in fact, be acceptable. The Applicant will continue to work with the School District to resolve this issue.

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

The Applicant is aware of the concern regarding traffic, parking and congestion in the Armonk Hamlet, and that the recently adopted Armonk Parking Study calls for expanding the supply of public parking in the Hamlet. The Applicant is also aware that the Town anticipates that a Community

Benefit Agreement will be established to financially assist the Town in implementing long-term parking solutions.

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

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

The NYSDOT has expressed concerns over the viability of a pedestrian connection across Route 22. The Applicant will continue to explore options to create a viable, safe pedestrian connection between the Site and the Hamlet.

I.) Visual Resources & Community Character:

The FEIS Plan presents a revision to the prior site development plan presented in the DEIS that will significantly mitigate visual impacts. The Lead Agency will determine whether the changes to the Proposed Action adequately mitigate visual impacts. The FEIS Plan will involve the disturbance and clearing of 19.1 acres (58.7%) of the 32.5-acre property. This is a reduction of 7.4 acres from the 26.5 acres of disturbance (81.42%) proposed under the plan presented in the DEIS. This includes to removal of approximately 658 of the 1,524 trees over 8" dbh (43.2%), or a reduction of the removal of 192 trees from the 850 trees (55.7%) required to accommodate the prior plan presented in the DEIS. The proposed development of a 4-story hotel building, and adjacent 4-story multi-family condominium building, associated parking and site amenities, and the adjacent development of 50 townhouses, will alter the visual characteristics of the Site.

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

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

It is the opinion of the Applicant that the visual impact created by Eagle Ridge will be of partial views of the top portions of the hotel, the multi-family condominium building and the 50 adjacent townhouses. These buildings reflect well designed, architecturally significant, and contextually appropriate buildings. The presence of these buildings would not diminish the public's enjoyment of any activities occurring within Community Park, which is a public park used primarily for active recreation. Refer to Project renderings, Figures I-17 – I-21.

As documented in the DEIS, the FEIS Plan also proposes new site lighting that will afford safety, facilitate circulation and wayfinding. All lighting will be Dark Sky compliant, shielded, downward directed and will be designed to provide appropriate levels of illumination. Illumination levels along the perimeter of the Site will not exceed 1 footcandle.

J.) Community Facilities & Services

The FEIS Plan will result in increased demands on community facilities and services, however, these increases are significantly lower than those resulting from the plan presented in the DEIS.

The FEIS Plan will result in a resident population of 228 individuals, or 186 individuals fewer than the population resulting from the plan presented in the DEIS. Similarly, the number of school children generated by the FEIS Plan would be reduced from 53 in the plan presented in the DEIS to 22 students under the FEIS Plan.

Demands on police, fire and EMS services would also be proportionally reduced. The amount of solid waste generated from the Site would be reduced from 0.92 tons/day to .39 tons/day.

K.) Fiscal & Market Conditions:

The market assumptions presented in the DEIS remain unchanged in support of the FEIS Plan. The Applicant continues to believe that the rezoning of the Site to OBH and the corresponding recommendations in the recently adopted Town of North Castle Comprehensive Plan significantly overestimates the number of new hotel guestrooms that can be financially supported in the market.

It is the opinion of the Applicant that the most viable project represents a mixed-use residential development with an on-site limited service hotel that caters to the upscale nature of the surrounding communities and provides a new neighborhood amenity for local residents.

The Lead Agency hired its own consultant to review the submitted hotel study. The Town's consultant concluded that a hotel only development on the Site, given the areas construction costs, would not make economic sense.

It is the Applicant's opinion, and as confirmed by the Town's consultant, that the local corporate market does not warrant the addition of a large full-service hotel, but a void presently exists in serving the travel needs of local

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

The residential housing market in North Castle continues to be healthy and growing without signs of pent-up demand or over supply. The Town's demographics are driving this market, particularly baby-boomers downsizing and who wish to remain in the community, as well as young people just entering the housing market. Multi-family condominiums and townhouses represent housing types particularly well suited to meet this demand. As much of the existing housing stock is ageing, new construction will have a significant competitive market advantage. It is likely that the coronavirus, COVID 19 pandemic will strengthen the suburban housing market, as city dwellers consider relocating to less densely populated areas, and as the benefits of working remotely from home become entrenched, both from the employee and employer perspective.

The FEIS Plan will result in the generation of \$2,872,00 in real estate taxes, including \$478,000 in Town taxes.

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

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

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

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

L.) Historic, Archaeological & Cultural Resources:

Since the DEIS was submitted, the Applicant completed a Phase IB Archaeological Field Investigation at the Site, prepared by Historical Perspectives, Inc.

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

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

M.) Open Space:

The FEIS Plan involves converting the Project Site, which is currently a privately owned, vacant, and undeveloped property, to support a hotel, a

multi-family condominium building, 50 townhouses and associated site improvements, including parking, driveways and stormwater and utility infrastructure. Under the FEIS Plan, approximately 24.7 acres of the 32.5-acre Site 76%) will remain as open space.

N.) Construction:

The Construction of the Eagle Ridge FEIS Plan will disturb approximately 19.1 acres of 32.5-acre site (58.7%) compared to 26.5 acres of disturbance (81.42%) required for the previous plan presented in the EIS. Construction is projected to occur over a period of 24 months, in 5 phases, all designed to result in less than 5-acres of disturbance.

The FEIS Plan will result in the same types of impacts as those described in the DEIS, although on a substantially reduced scale. The FEIS plan drastically reduces the site disturbance impacts. The FEIS plan would disturb approximately 58.7% of the Site (a reduction of 7.4 acres) and encroach into 1.7 acres of steep slopes in excess of 25% (a reduction of 2.6 acres). Only approximately 2,555 cubic yards of excavation is now required (an extremely large reduction of 48,845 cubic yards, or 95% when compared to the plan presented in the DEIS). It is acknowledged that some of the required excavation may involve rock removal.

While some of the 2,555 cubic yards of excavated materials may be processed on-site and reused as fill, for the purposes of this analysis, it is assumed that all 2,555 cubic yards would be exported. Utilizing haul trucks with a 16 cubic yard capacity, approximately 160 truck trips would be required to remove this excess material, which will be exported in accordance with all applicable regulations to a suitable location(s). The 160 truck trips required to facilitate the FEIS Plan compares favorably to the 3,312 truck trips required for the plan presented in the DEIS, which has been abandoned. It is projected that the build-out of the Proposed Action will extend over a two-year period, and that material will be exported as the project progresses over the course of that time. This translates into less than one truck trip per week.

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

Noise impacts related to construction activities for the FEIS Plan are anticipated to be similar to those described in the DEIS. Local daytime ambient noise levels would increase both on and off-site during the clearing and grading activities, construction of the site roadways, installation of infrastructure and the construction of the hotel/apartment building and the townhouses. Construction activities and the operation of construction equipment are an anticipated and necessary short-term consequence of any development of the Site, and cannot be avoided. As a result, construction related short-term noise impacts are expected.

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

Sedimentation resulting from erosion of disturbed soils during construction is a potential impact, affecting wetlands, watercourses and receiving waters of downstream properties. The FEIS Plan has the potential to increase the volume and velocity of stormwater runoff resulting from land clearing and the conversion of existing land forms into developed areas and impervious

surfaces. If not properly controlled, these activities could lead to accelerated erosion and sedimentation during construction. An Erosion and Sediment Control Plan has been developed to mitigate short-term construction related impacts. This plan, which will be included with the Site Plan and SWPPP, addresses land grading, topsoiling, temporary vegetative cover, permanent vegetative cover, mulching and erosion checks. A continuing maintenance program will be implemented for the control of sediment transport and erosion after construction and throughout the useful life of the FEIS Plan.

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

II. Project Reviews and Approvals:

Pursuant to the provisions of SEQRA, Involved Agencies are those agencies which have an approval authority in conjunction with the Proposed Action. Interested Agencies are those other agencies that have some interest in the FEIS Plan, but not a direct approval role. Project reviews and approvals by Involved Agencies and reviews by Interested Agencies are identified in Table I-3, below.

Table I-3 Project Reviews and Approvals	
Involved Agency	Approval/Review
Town of North Castle	
Town Board	<ul style="list-style-type: none"> ▪ SEQRA review and adoption of Findings ▪ Zoning map change (OBH to R-MF-SCH) ▪ Zoning text amendment (OBH zone)
Planning Board	<ul style="list-style-type: none"> ▪ Zoning map and text amendment referral and recommendation ▪ Site Plan approval

	<ul style="list-style-type: none"> ▪ Subdivision approval
Architectural Review Board	<ul style="list-style-type: none"> ▪ ARB approval
Conservation Board	<ul style="list-style-type: none"> ▪ Recommendation
Building & Engineering Department	<ul style="list-style-type: none"> ▪ SWPPP ▪ Building Permits
Water & Sewer Departments	<ul style="list-style-type: none"> ▪ Water service connection ▪ Sanitary sewer service connection
Westchester County	
Health Department	<ul style="list-style-type: none"> ▪ Sanitary sewer and water supply approval
Planning Board	<ul style="list-style-type: none"> ▪ 239-m referral
New York State	
Department of Environmental Conservation	<ul style="list-style-type: none"> ▪ SWPPP
Parks Recreation & Historic Preservation	<ul style="list-style-type: none"> ▪ Cultural resources review
Department of Transportation	<ul style="list-style-type: none"> ▪ Right-of-Way Work Permit

The list of Involved and Interested Agencies for the FEIS Plan include:

Lead Agency:

Town of North Castle Town Board
15 Bedford Road
Armonk, New York, 10504

Involved Agencies:

Town of North Castle Planning Board
17 Bedford Road
Armonk, New York, 10504

Town of North Castle Architectural Review Board
17 Bedford Road
Armonk, New York, 10504

Town of North Castle Conservation Board
17 Bedford Road
Armonk, NY 10504

Town of North Castle Building Inspector
17 Bedford Road
Armonk, NY 10504

Town of North Castle Recreation Superintendent
40 Maple Avenue
Armonk, NY 10504

Town of North Castle Highway Superintendent
17 Bedford Road
Armonk, NY 10504

Town of North Castle Department of Sewer & Water
115 Business Park Drive
Armonk, NY 10504

Town of North Castle Open Space Committee
17 Bedford Road
Armonk, NY 10504

Westchester County Planning Board
Westchester County Department of Planning
148 Martine Avenue, Room 432
White Plains, New York 10601

Westchester County Department of Health
25 Moore Avenue
Mount Kisco, New York 10549

New York State Department of Environmental Conservation
21 South Putt Corners Road
New Paltz, New York 12561

New York State Department of Environmental Conservation
625 Broadway
Albany, New York, 12207

New York State Office of Parks Recreation and Historic Preservation
HP Field Services Bureau
Peebles Island
P.O. Box 189
Waterford, New York, 12188

New York State Department of Transportation
SEQR Unit, Traffic Engineering & Safety Division
4 Burnett Blvd.
Poughkeepsie, New York 12603

Interested Agencies:

Town of North Castle Police Department
15 Bedford Road
Armonk, New York, 10504

Armonk Fire Department
400 Bedford Road
Armonk, New York, 10504

Byram Hills Central School District
10 Tripp Lane
Armonk, New York 10504

Manager, Mid-Hudson Valley Regional Site Operations
International Business Machines Corporation
1 North Castle Drive
Armonk, NY 10504
Attn: Stephen Milkovich

Notices Only:

Environmental Notice Bulletin – Environmental Permits (enb@dec.state.ny.us)

Chapter II

Alternative FEIS Plan

II - ALTERNATIVE FEIS PLAN

INTRODUCTION

In addition to the Proposed Action described in the DEIS and the FEIS Plan presented in Chapter I, a new alternative plan is presented in this chapter, referred to as the “Alternative FEIS Plan” (Figure II-1 and II-2).

The Alternative FEIS Plan consists of 85 age restricted senior citizen housing townhouses developed pursuant to the R-MF-SCH – Residential Multifamily Senior Citizen Housing district floating zone provisions. The hotel as well as the multi-family apartment buildings have been eliminated from this alternative.

The townhouses will be approximately 2,700 square feet in size and include 2 bedrooms with a den and office. Two internal roadway loops, accessed from North Castle Drive, provide private roadway frontage and access for the townhouses.

This Alternative FEIS Plan would include amenities and site design components similar to those proposed in the other alternatives.

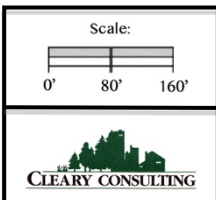
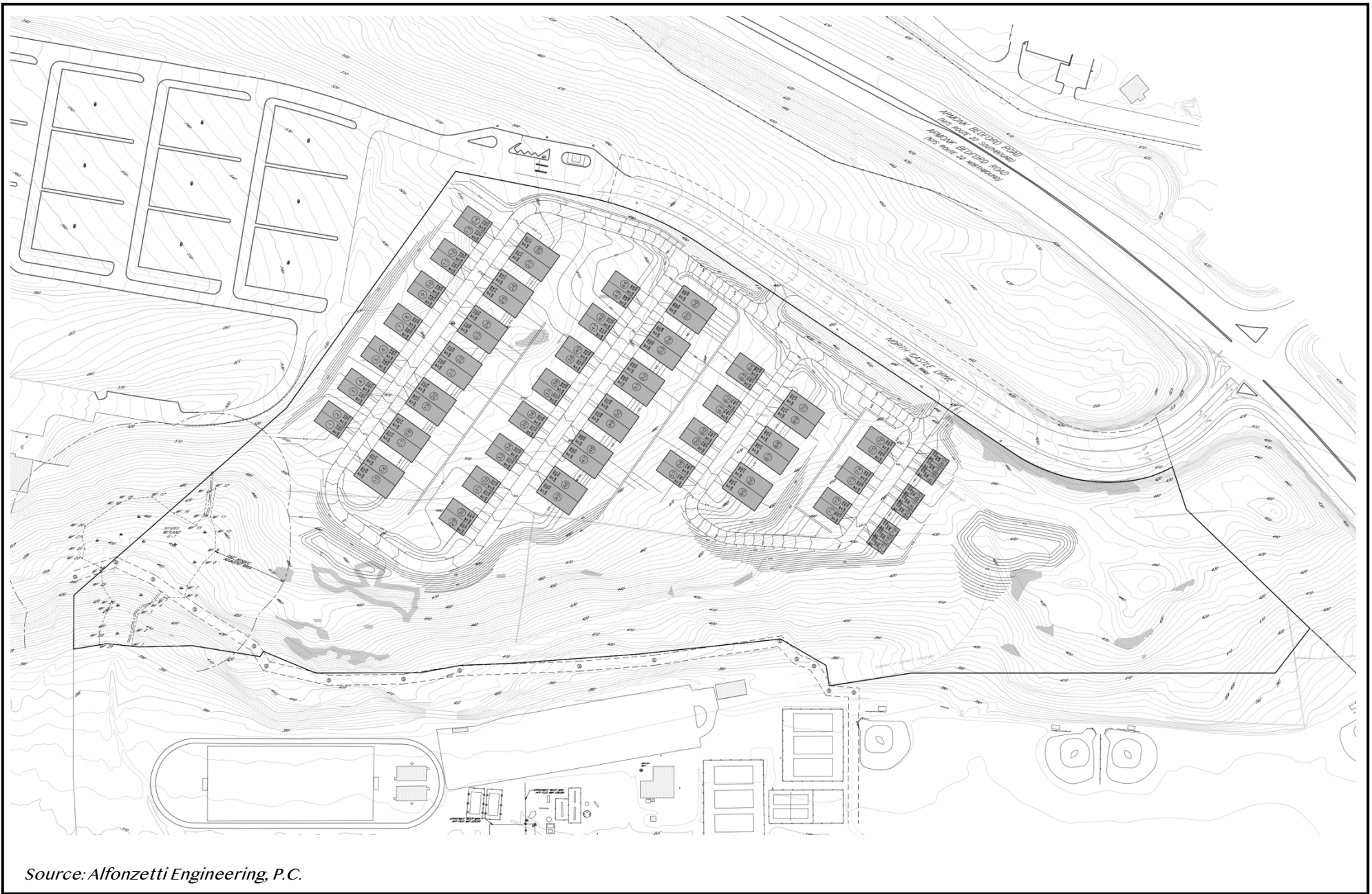
This alternative would no longer require the Project Site to be subdivided.

The impacts of this Alternative FEIS Plan are summarized below.

A.) Land Use & Zoning:

The Alternative FEIS Plan calls for the development of 85 senior townhouses. The townhouses would be permitted pursuant to the R-MF-SCH – Residential Multifamily Senior Citizen Housing district floating zone provisions.

In accordance with §355-27 B, the R-MF-SCH – Residential Multifamily Senior Citizen Housing district floating zone allows for the development of age restricted senior citizen housing pursuant to seven standards, which are summarized as follows:



Alternative FEIS Grading Plan



Figure
II -2

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

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

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

The 85 proposed townhouses include thirty-two units that are approximately 2,700 square feet and forty-four units that are approximately 2,500 square feet. The remaining nine units will be compliant with the minimum size requirements for AFFH units. Utilizing a “net lot area”¹ of 25.83 acres, and a total floor area of 230,150 square feet, the FAR for the Project Site would be 0.18, which falls within the range established for the RMF-SCH district.

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

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

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

No one-bedroom units are proposed. The proposed 2-bedroom units would be 2,700 square feet in gross floor area.

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

Pursuant to §355-24I, 10% of the proposed townhouses are required to be AFFH units. 9 townhouse units shall be provided in full conformance with §355-24I.

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

¹ Net Lot Area = Lot area minus 75% of all wetlands and wetland adjacent areas, and 50% of all steep slopes above 25%.

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

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

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

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

The Site is located in an area of very diverse land uses. Nevertheless, in the Applicant's opinion, the Alternative FEIS Plan is specifically consistent with the land use recommendations established in the Town's recently adopted Comprehensive Plan and the other various land use plans governing the area.

The most notable impact would be the change in the Site's land use from a vacant and primarily wooded parcel to a developed site supporting 85 townhouses, along with access roadways, accessory off-street parking areas and associated site improvements, including an extensive landscaping plan.

It is the Applicants opinion that the townhouses are all well-designed, architecturally distinctive and relate well to the character of the surrounding area. A new comprehensive landscaping plan will be provided to create a

visually attractive site as well as a transitional buffer between the development, the IBM campus and Community Park. It is the opinion of the Applicant that none of the impacts resulting from the Proposed Action exceed any threshold that would classify it as adverse or significant. Nevertheless, an array of mitigation measures have been incorporated into the Alternative FEIS Plan; including:

- The Comprehensive Plan has identified the provision of senior housing as a priority in the Town.
- The elimination of the hotel and multi-family condominium buildings have reduced the extent of site disturbances to 19.2 acres and 560 cubic yards of net fill.
- The configuration of the townhouses allows for the preservation of the wooded character of the eastern and northern portions of the Site and the associated view from the majority of the park and all of the open baseball fields.
- Taller buildings are no longer proposed. The townhouses will comply with the 2 ½ story/30' building height requirement. This reduction in height will reduce potential perceived visual impacts.
- The materials proposed for the townhouses will compliment the Site's natural surroundings.
- The Alternative FEIS Plan reduces the amount of impervious surfaces from 10.4 acres in the plan presented in the DEIS to 6.6 acres, thereby minimizing stormwater runoff impacts and associated heat-island effects.
- The townhouses have been designed to work with the topography of the site, thereby avoiding excessive cuts and fills or the necessity for large retaining walls.

- The townhouse layout has been designed around two looped oval roadways, which minimizes the length of the roadway, avoids dead-end cul-de-sac's and minimizes impervious surfaces.
- The townhouse building type was selected to minimize building footprints and associated site disturbances, when compared to traditional single-family homes.

B.) Geology & Soils:

The Alternative FEIS Plan eliminates all development from the northern portion of the Site, thereby preserving most of the rugged topography in this area. The plan presented in the DEIS involved disturbing approximately 26.5 acres or 81.5% of the Site, including 4.3 acres of designated steep slopes in excess of 25%. Most significantly, approximately 51,400 cubic yards of cut materials would need to have been removed from the Site.

The Alternative FEIS Plan reduces the site disturbance impacts. The Alternative FEIS Plan would disturb approximately 19.2 acres or 59% of the Site (a reduction of 7.3 acres of disturbance) and encroaches into only 1.1 acres of steep slopes in excess of 25% (a reduction of 3.2 acres). Only approximately 560 cubic yards of net fill are now required, compared to the 51,400 cubic yards of cut called for in the plan presented in the DEIS). It is acknowledged that some of the required excavation may involve rock removal.

The 560 cubic yards of fill will be imported to the Site utilizing haul trucks with a 16 cubic yard capacity. Approximately 35 truck trips would be required to import this fill material. These 35 truck trips required to facilitate the FEIS Plan compares favorably to the 3,312 truck trips required for the plan presented in the DEIS, which has been abandoned.

An Erosion and Sediment Control Plan will mitigate short-term construction related impacts. This plan, which will be included with the Site Plan and SWPPP, addresses land grading, topsoiling, temporary vegetative cover, permanent

vegetative cover, mulching and erosion checks. A continuing maintenance program will be implemented for the control of sediment transport and erosion after construction and throughout the useful life of the Alternative FEIS Plan.

Based on field reconnaissance and preliminary boring data, it is anticipated that hard rock will be encountered during construction, which will require removal. When rock removal becomes necessary, the Applicant will first attempt to remove the rock through mechanical means (i.e. ripping or chipping with hydraulic hammers). If this approach proves infeasible due to the hardness and density of the rock, blasting will be necessary. Prior to the start of any blasting activities, a detailed blasting plan shall be developed in accordance with Chapter 122 of the North Castle Code (Blasting & Explosives) and all applicable federal state and local regulations.

C.) Topography & Slopes:

The Site can be generally characterized as the eastern side of an oval shaped elongated hill that rises up from the Route 22/North Castle Drive/Main Street intersection, to the original IBM headquarters building, located on the crest of the hill at approximately elevation 570'.

The Alternative FEIS Plan will result in approximately 19.2 acres of disturbance to the Site during construction, compared to the 26.5 acres required for the plan presented in the DEIS (a reduction of 7.3 acres of disturbance). Of this total, approximately 1.1 acres of the disturbed area include designated steep slopes in excess of 25%, compared to 4.3 acres in the plan presented in the DEIS (a reduction of 3.2 acres of steep slope disturbance). A steep slope disturbance permit shall be obtained for these disturbances as required by Town Code. Construction related impacts to steep slopes will be mitigated by implementing best management practices and installing and maintaining erosion and sediment control measures. The permanent stabilization of disturbed steep slopes will be accomplished through the installation of retaining walls (as needed) and proposed revegetation and landscaping.

D.) Vegetation & Wildlife

The Alternative FEIS Plan will disturb approximately 19.2 acres of the 32.5-acre Site (59%). This is 7.3 acres less than the 26.5 acres that would have been disturbed under the prior plan presented in the DEIS. Of this disturbance, 6.6 acres will be devoted to buildings, driveways, walkways and other paved surfaces, compared to the 10.4 acres resulting from the plan presented in the DEIS.

The Alternative FEIS Plan requires the removal of approximately 639 trees of the 1,524 trees present on the Site in excess of 8" dbh. This is 211 less than the 850 required to be removed under the previous plan presented in the DEIS. Of the trees that would be removed from the Site, few predate the previous orchard use. The balance were planted or have grown as pioneering species after the 1920's.

It is the Applicant's opinion that similar to the conclusions reached in the DEIS, the Alternative FEIS Plan will have no impact on any rare plants or significant natural habitats on the Site or in the vicinity and the ecological communities on the Site and their availability as habitat for local and migratory species of wildlife will not be adversely impacted by the Proposed Action.

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

The Alternative FEIS Plan preserves the on-site wetland and surrounding wetland buffer which is prime habitat for many wildlife species, as well as virtually all of existing vegetation around the perimeter of the Site. In total,

25.9 acres of open space will remain or be restored on the Site. Moreover, the Landscaping Plan prepared to support the Alternative FEIS Plan will involve the reintroduction of new vegetation that will serve as new habitat for certain species. It is therefore likely that some of the species that were displaced during the construction phase of the Alternative FEIS Plan, will re-inhabit the Site after the completion of construction.

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

As a result, it is the Applicant's opinion that no significant adverse wildlife impacts will result from the Proposed Action.

E.) Wetlands:

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

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

F.) Stormwater:

The Alternative FEIS Plan will result in the creation of 6.6 acres of impervious surface, a reduction of 3.8 acres from the 10.4 acres of impervious surface resulting from the previous plan presented in the DEIS. The stormwater management plan for the Alternative FEIS Plan, as was the case with the plan presented in the DEIS, was developed in accordance with the "Five Step

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

The stormwater management plan for the Alternative FEIS Plan includes detention basins, subsurface infiltration devices, catch basins and manholes, hydrodynamic separators, sediment traps, rain gardens among other measures, including a green roof which is under consideration. Additionally, the Alternative FEIS Plan will be phased to ensure that less than 5 acres of the Site is under construction at any one time.

Based on the analysis in the Stormwater Pollution Prevention Plan (SWPPP), it is the Applicant’s opinion that the stormwater management practices proposed will adequately treat the runoff leaving the Site in regard to water quality. In addition, the proposed stormwater practices will control runoff quantities to ensure no adverse effects due to stormwater as a result of the Alternative FEIS Plan.

G.) Utilities:

The Project Site is located in Water District 4 and Sewer District 2. The Alternative FEIS Plan, consisting of 85, two-bedroom townhouses will result in a water demand of 10,625 gpd. This is 62,785 gpd below the 73,410 gpd required for the plan presented in the DEIS. Water service will be brought into the Site via a connection to the existing watermain located at the intersection of Route 22 and Business Park Drive. As was documented in the DEIS, to further mitigate the Alternative FEIS Plan’s water consumption, the Applicant is committed to employing environmentally responsible green building techniques such as the use of water efficient fixtures and appliances. An irrigation strategy will be developed during the site plan review stage that includes measures such as harvesting rainwater to reduce the demand on the public water supply, utilizing plant species that require less water, reducing areas that require irrigation and utilizing smart meters for sprinkler systems.

This volume, combined with the 120,190 gpd of cumulative water volume projected from other pending developments also seeking to draw water from

Water District 4, would result in a water deficit for the District. The Town is in the process of expanding the capacity of Water District 4 to meet this increased demand through the installation of additional wells at the wastewater treatment plant site off Business Park Drive. While the Town continues to explore additional wells at the wastewater treatment plant site, the Applicant has acquired the property located at 125 Business Park Drive, which has a well that produces 115 gpm. Upon receipt of all necessary approvals for the project, the Applicant intends to enter into a Community Benefits Agreement (“CBA”) with the Town of North Castle. Part of the CBA will include the applicant donating 125 Business Park Drive to the Town of North Castle. This will more than offset the Proposed Actions water demand, and will contribute to addressing the water deficiency in the District.

The Alternative FEIS Plan will result in a sanitary sewage flow of 10,625 gpd, which is 62,785 gpd below the 73,410 gpd resulting from the plan presented in the DEIS. Sanitary sewage will be accommodated through a connection to the sewer line located within the easement along the eastern edge of the Site. When the Applicant purchased the Site from IBM, a reserve sanitary sewage capacity of 35,000 gpd was also transferred. As stated above the Alternative FEIS Plan will result in a sewage flow of 10,625 gpd, which is within the 35,000 gpd capacity allocated to the Site. Accordingly, the Applicant can accommodate the sewage flow associated with the Proposed Action.

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

H.) Traffic & Transportation:

The Alternative FEIS Plan will result in the generation of a total of 39 AM peak hour vehicle trips and 48 PM peak hour vehicle trips (combined inbound and outbound). These volumes are 79 AM peak hour trips and 98 PM peak hour trips below the volumes attributed to the previous plan presented in the DEIS. The Level of Service delays experienced under future No-Build and future Build Conditions are similar. In the Applicant's opinion, no significant degradations in Levels of Service would result from the Alternative FEIS Plan.

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

Two new access driveways are proposed into the Site from North Castle Drive. A proposed school bus stop will be located in the townhouse development. The Applicant will work with IBM to provide the Town with an easement over North Castle Drive, a private road owned by IBM, so that the public-school busses can access the Site.

I.) Visual Resources & Community Character:

The Alternative FEIS Plan presents a revision to the prior site development plan presented in the DEIS that will significantly mitigate visual impacts. The Alternative FEIS Plan will involve the disturbance and clearing of 19.2 acres (59%) of the 32.5-acre property. This is a reduction of 7.3 acres from the 26.5 acres of disturbance (81.42%) proposed under the plan presented in the DEIS. This includes to removal of approximately 639 of the 1,524 trees over 8" dbh (42%), or a reduction of the removal of 211 trees from the 850 trees (55.7%) required to accommodate the prior plan presented in the DEIS. The proposed development of 85 townhouses and associated site improvements will alter the visual characteristics of the Site.

Public views of the Project Site are fairly limited, and exist primarily from Community Park and at the North Castle Drive/Route 22 intersection. The

existing views consist of a wooded hillside, with no structures or visible site improvements. Development of the Site would involve clearing and grading the center and southern portion of the Site, which is the portion of the Site least visible from the two primary public viewpoints. The majority of the northern portion of the Site would remain in its current wooded condition and would be enhanced by supplemental buffer landscaping. The most abrupt visual change would be from a vacant wooded site, to a cleared, graded and developed site.

It is the opinion of the Applicant that the visual impact created by the Alternative FEIS Plan will be of partial views of the eastern edge of the townhouse development. The townhouses will be well designed, architecturally significant, and contextually appropriate buildings. The presence of these buildings would not diminish the public's enjoyment of any activities occurring within Community Park, which is a public park used primarily for active recreation.

As documented in the DEIS, the Alternative FEIS Plan also proposes new site lighting that will afford safety, facilitate circulation and wayfinding. All lighting will be Dark Sky compliant, shielded, downward directed and will be designed to provide appropriate levels of illumination. Illumination levels along the perimeter of the Site will not exceed 1 footcandle.

J.) Community Facilities & Services

The Alternative FEIS Plan will proportionally reduce the demands on community facilities and services when compared to the FEIS Plan.

The Alternative FEIS Plan will result in a resident population of 178 individuals, or 50 individuals fewer than the population resulting from the FEIS Plan. Similarly, the number of school children generated by the Alternative FEIS Plan would be reduced from 22 in the FEIS Plan to 12 students under the FEIS Plan.

Demands on police, fire and EMS services would also be proportionally reduced. The amount of solid waste generated from the Site would be reduced from 0.39 tons/day to .31 tons/day.

K.) Fiscal & Market Conditions:

The residential housing market in North Castle continues to be healthy and growing without signs of pent-up demand or over supply. The Town's demographics are driving this market, particularly baby-boomers downsizing and who wish to remain in the community. Townhouses represent a housing type particularly well suited to meet this demand. As much of the existing housing stock is ageing, new construction will have a significant competitive market advantage. It is likely that the coronavirus, COVID 19 pandemic will strengthen the suburban housing market, as city dwellers consider relocating to less densely populated areas, and as the benefits of working remotely from home become entrenched, both from the employee and employer perspective.

The Alternative FEIS Plan will result in the generation of \$1,349,000 in real estate taxes.

The Alternative FEIS Plan will also produce direct, indirect and induced multiplier effect economic benefits that would ripple through the local economy.

The Alternative FEIS Plan will result in significant construction employment.

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

L.) Historic, Archaeological & Cultural Resources:

Since the DEIS was submitted, the Applicant completed a Phase IB Archaeological Field Investigation at the Site, prepared by Historical Perspectives, Inc.

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

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

M.) Open Space:

The Alternative FEIS Plan involves converting the Project Site, which is currently a privately owned, vacant, and undeveloped property, to support an 85 unit townhouses development, including new private roadways and stormwater and utility infrastructure. Under the Alternative FEIS Plan, approximately 25.9 acres of the 32.5-acre Site (79.6%) will remain as open space.

N.) Construction:

The Construction of the Eagle Ridge Alternative FEIS Plan will disturb approximately 19.2 acres of 32.5-acre site (59%) compared to 26.5 acres of disturbance (81.42%) required for the previous plan presented in the DEIS.

Construction is projected to occur over a period of 24 months, in phases designed to result in less than 5-acres of disturbance.

The Alternative FEIS Plan will result in the same types of impacts as those described in the DEIS, although on a substantially reduced scale. The Alternative FEIS Plan drastically reduces the site disturbance impacts. The Alternative FEIS Plan would disturb approximately 59% of the Site (a reduction of 7.3 acres) and encroach into 1.1 acres of steep slopes in excess of 25% (a reduction of 3.2 acres). Only approximately 560 cubic yards of fill is now required (an extremely large reduction of excavation compared to the 51,400 cubic yards of excavation required for the plan presented in the DEIS). It is acknowledged that some of the required excavation may involve rock removal.

The 560 cubic yards of fill will be imported to the Site utilizing haul trucks with a 16 cubic yard capacity. Approximately 35 truck trips would be required to import this fill material. These 35 truck trips required to facilitate the FEIS Plan compares favorably to the 3,312 truck trips required for the plan presented in the DEIS, which has been abandoned.

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

Noise impacts related to construction activities for the Alternative FEIS Plan are anticipated to be similar to those described in the DEIS. Local daytime ambient noise levels would increase both on and off-site during the clearing and grading activities, construction of the site roadways, installation of infrastructure and the construction of the hotel/apartment building and the townhouses. Construction activities and the operation of construction equipment are an anticipated and necessary short-term consequence of any development of the Site, and cannot be avoided. As a result, construction related short-term noise impacts are expected.

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

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

The number of truck trips generated per day during construction would vary depending on the phase and pace of construction, weather conditions and seasonal variations. Types of construction vehicles that will routinely come to the Site include dump trucks, delivery vehicles, pick-up trucks, concrete

trucks, backhoes and construction worker vehicles. Bulldozers, skid steers, track excavators, front end loaders, graders and pneumatic rock breakers will be delivered to the Site on flatbeds. Much of this equipment will be brought to the Site and remain there until it is no longer required, and will not make daily trips to and from the Site.

Table I-2 Comparison Between DEIS Plan, FEIS Plan and Alternative FEIS Plan			
Project Element	DEIS Plan	FEIS Plan	Alternative FEIS Plan
Gross Floor Area			
▪ Hotel	80,982 sqft	72,800 sqft	N/A
▪ Apartments/Condominiums	91,911 sqft	71,600 sqft	N/A
▪ Townhouses	258,160 sqft	140,000 sqft	229,500 sqft
Building Height			
▪ Hotel/Apt/Condo			
○ Stories	5 stories	4 stories	N/A
○ Feet	(71.6')	(45')	
▪ Townhouses	2 ½ stories	2 ½ stories	2 ½ stories
# Units			
▪ Hotel	91	115	N/A
▪ Apartments (DEIS) Condos (FEIS)	70 94	59 50	N/A 85
▪ Townhouses			
# Parking Spaces			
▪ Hotel/Apartments (DEIS Plan)	308	N/A	N/A
▪ Townhouses	213	200	340 ²
▪ Hotel (FEIS Plan)	N/A	215	N/A
▪ Multi-Family Condos (FEIS Plan)	N/A	112	N/A
Area of Disturbance	26.5 acres	19.1 acres	19.2 acres
Steep Slope Disturbance (>25%)	4.3 acres 16.1%	1.7 acres 5.6%	1.1 acres 5.5%
Net Cut/Fill			
▪ Site + Buildings	-51,400 cy cut	-2,555 cy cut	560 cy fill
Impervious Areas	10.4 acres	7.8 acres	6.6 acres
Open Space	22.1 acres	24.7 acres	25.9 acres
Water Usage	73,410 gpd	34,980 gpd	10,625 gpd
Wastewater Generation	73,410 gpd	34,980 gpd	10,625 gpd

² 2 off-street parking spaces plus 2 on-street parking spaces per unit.

Residential Population	414	228	178
School Children	53	22	12
Peak Hour Traffic	118 AM 146 PM	104 AM 130 PM	39 AM 48 PM

Chapter III

Index of DEIS Comments

III - COMMENT INDEX

The following is a list of the comments received during the public hearing on the Draft Environmental Impact Statement. Copies of all comment letters as well as the full transcripts from the public hearings are included in the Appendix.

Government Agencies:

Mary McCollough, SEQRA – HWP Unit, New York State Department of Transportation, August 7, 2019

Norma V. Drummond, Commissioner, Westchester County Department of Planning, June 29, 2019.

Adam R. Kaufman, AICP, Director of Planning, Town of North Castle, July 8, 2019

Phil Goulet, Chief, Armonk Fire Department, Undated

Sgt. Thomas McCormack, Town of North Castle Police Department

Sal Misiti, Town of North Castle Water & Sewer Department, July 26, 2019

Jen Lima, Ed.D., Superintendent of Schools, Byram Hills School District, July 30, 2019

Town of North Castle Open Space Committee, August 9, 2019

Town Consultants:

Michael A. Galante, Managing Partner, Frederick P. Clark Associates, August 12, 2019

Michael A. Galante, Managing Partner, Frederick P. Clark Associates, August 14, 2019

Joseph M. Cermele, P.E., CFM, Kellard Sessions Consulting, August 15, 2019

Public Comments:

Jeremy Jacobs, July 3, 2019

Michael E. Fareri, August 19, 2019

Russell Alonzo, July 24, 2019

Arnold B. Allison, August 5, 2019

Jim Byrne, Undated

Linda A. Fernberg, Undated

Chapter IV

Responses to DEIS Comments

Chapter IV.A

Land Use & Zoning

IV. A. LAND USE AND ZONING

A-1 Comment:

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, call for the channeling of development to existing downtown centers that is designed to facilitate or enhance a smart growth urban fabric. Because the subject site lies just outside of the downtown of the Armonk hamlet, making a good connection to the hamlet center will be critical in achieving this goal. While the potential for making such a connection is recognized in the draft EIS, our comments below on pedestrian and transit access offer some insight as to how that connection can be improved. (Westchester County Planning Board - June 28, 2019)

A-1 Response:

Comment noted. The NYSDOT has expressed concerns over the viability of a pedestrian connection across Route 22. The Applicant will continue to explore options to create a viable, safe pedestrian connection between the Site and the Hamlet. The Applicant acknowledges that the Lead Agency finds it imperative that a link to the Hamlet be provided either at North Castle Drive or Business Park Drive.

A-2 Comment:

While the draft EIS includes a section concerning solid waste and recycling, the Town should 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>. We note that Westchester County has reporting requirements for waste management for businesses with more than 100 employees.

We also recommend consideration of on-site food composting for any on-site food service operations. Food composting would not only reduce the burden of food waste in the waste stream, but it would also provide a resource for the maintenance of on-site landscaping.

(Westchester County Planning Board - June 28, 2019)

A-2 Response:

Floor plans for the hotel and multi-family condominium building have not yet been finalized. However, both buildings will be designed to include dedicated spaces for the storage and processing of both solid waste and recycling.

Specific floor plans for the 50 townhouses have been developed, and all units will have storage space located within an attached two-car garage that is separated from the main living level by a change in elevation.

All recycling in Eagle Ridge will be separated into *Mixed Paper* (corrugated cardboard, office paper, newspaper, mails and cardboard egg cartons) and *Mixed Containers* (plastic bottles, rigid plastics, glass bottles and jars, aluminum and steel cans, cartons). Plastic bags, food waste, hazardous and electronic waste and sharps waste will be excluded from the recycling stream collected from the Site.

North Castle has the highest recycling percentage of any municipality in the County (80% of the 21,519 tons of the solid waste disposed of in 2018), which is considerably higher than the County-wide average of 53%.

The Applicant recognizes the high standard set by the Town regarding recycling rates, and will incorporate into the design of the Project measure to successfully facilitate recycling. Food composting facilities will be incorporated into the hotel and multi-family condominium. The Applicant is exploring opportunities to include a composting site within the townhouse component of the Project as well.

A-3 Comment:

Hotel Density. The Applicant is proposing a change to the OBH Zoning District from 0.12 FAR to 0.7 FAR. This represents a 483% increase in density as compared to the existing OBH Zoning District. The Applicant should provide the rationale for requesting the proposed additional density on the property. A larger hotel lot with larger setbacks may yield a reduction in environmental and visual impacts. It is noted that the OBH district originally envisioned a minimum lot size of 20 acres in order to mitigate the impacts of a large hotel on the property. (Town of North Castle Planning Department - July 8, 2019)

A-3 Response:

When the Town rezoned the Site to OBH, it was envisioned that a full-service hotel could be developed on a full 20+ acre parcel. The detailed market analysis conducted by the Applicant and presented in the DEIS revealed that a full-service hotel was not a realistically viable development opportunity, however, a smaller limited service hotel was.

The Site is 32.5 acres in size, or 12.5 acres larger than required under the original OBH zoning to support the type of large hotel envisioned by the Town. Because the hotel use must be reduced in scope and scale, it was determined that the 32.5-acre Site was excessively large and would need to be subdivided to more appropriately accommodate a smaller limited service hotel, and alternative complementary uses added to the development to bridge the gap economically.

The density and dimensional regulations for the OBH zone were crafted by the Town to reflect the specific characteristics of the Project Site (which is the only parcel in Town zoned OBH). Because the hotel parcel was proposed to be reduced in the plan presented in the DEIS from the original 32.5-acres down to 6.25 acres, the primary zoning provision that relates building size to parcel size (i.e. FAR) would need to be modified. This was the basis for the proposed reduction of FAR from 0.12 to 0.7.

Under the FEIS Plan, all of the fundamental market and economic assumptions remain unchanged, and a limited service hotel is still proposed, although

configured somewhat differently. In the FEIS Plan the hotel would consist of a 72,800 square foot building with 115 guest rooms and less conference, meeting, banquet and amenity spaces than did the 172,893 square foot building with 91 guest rooms presented in the DEIS.

The FEIS Plan still requires modifications to the OBH zoning district because the 32.5-acre parcel must still be subdivided. The requested zoning amendments are a Town Board legislative act and the Lead Agency will determine whether the proposed zoning amendments are acceptable.

Under the FEIS Plan the hotel parcel would be reduced from 32.5 acres to 15.51 acres, instead of the 6.25 acres proposed in the plan presented in the DEIS. The proposed FAR in the FEIS Plan is now .30 (compared to the .70 sought in the DEIS). Therefore, the hotel site would be significantly larger, and the FAR lower, resulting in a smaller building on a larger lot than originally proposed.

A-4 Comment:

Density. It is noted that 208,900 square feet of hotel is currently permitted in the OBH zone. Under the proposed action, 697,736 square feet is proposed - 80,982 square foot hotel, 91,911 square feet of apartments and 258,160 square feet of townhouses. This is a 234% increase in density as compared to the existing OBH zoning district. The Applicant should provide the rationale for permitting the proposed additional density on the property.

(Town of North Castle Planning Department - July 8, 2019)

A-4 Response:

The existing OBH zoning district establishes an FAR of 0.12, and a minimum lot size of 20 acres. An FAR of 0.12 on a 20 acre site would allow for a 104,544 square foot building to be erected. As the Project Site is the only parcel zoned OBH in the Town, the site's full 32.5 acres would allow for a 169,884 square foot building to be erected.

The Applicant believes, and the analysis presented in the DEIS finds that the existing FAR is unrealistically restrictive for a property the size of the Project Site.

Of all the hotels sites evaluated in the JF Capital Advisors Market Study (Appendix M of the DEIS), most of the hotels with 80 to 150 guest rooms are located on sites of approximately 5 acres or less in size. The two exceptions are the Doral Arrowwood and Renaissance Westchester hotels which are on larger parcels and support far more guestrooms (Doral Arrowwood – 29.68 acres/374 guestrooms, Renaissance Westchester – 28.11 acres/348 guestrooms). The assumption can be made that this was the type of full-service hotel development anticipated by the Town when the OBH zoning district was created.

Because it is the Applicant's opinion that a viable market for a large-scale full-service hotel at the Project Site, similar to the Doral Arrowwood or Renaissance Westchester model, simply does not exist, but a niche market for a limited service hotel does, subdividing the Site to meet the market is absolutely necessary. And because the only economically realistic type of hotel development is a smaller limited service hotel, additional uses are necessary to bridge the gap in the financial viability of the development of the Site.

Maintaining the existing density controls established for a 32.5-acre site, when the parcel would be significantly reduced in size, results in the 234% increase in density identified by the Town Planning Department.

The Applicant is proposing amendments to the OBH zoning district that would align the density provisions with the lot size in an appropriate manner. The result would be zoning controls governing hotels that would be similar to those that exist in the neighboring communities that host hotels. The requested zoning amendments are a Town Board legislative act and the Lead Agency will determine whether the proposed zoning amendments are acceptable.

Importantly, the excessive density noted is a result of the creation of the 6.25-acre parcel proposed in the plan presented in the DEIS. Under the revised FEIS Plan, the hotel parcel would be increased in size from 6.25 acres to 15.51 acres.

A-5 Comment:

Townhouse Density. The Applicant is proposing to place the R-MF-A Zoning District on the site (the same as the Cider Mill project). However, it may be more appropriate to utilize the R-MF zoning district (the same as Whippoorwill Hills and Whippoorwill Ridge). The R-MF-A zoning district was created to supply housing that is relatively dense and located in close proximity to the hamlet core. The R-MF zoning district requires larger lots with more open space, which may be more appropriate for this site.

(Town of North Castle Planning Department - July 8, 2019)

A-5 Response:

The proposal to rezone the townhouse parcel to R-MF-A has been abandoned. Instead, the FEIS Plan calls for utilizing the RMF-SCH – Multi-Family Senior Housing district floating zone provisions to allow for the development of 50 market rate, age restricted, senior citizen housing units on this parcel. It is the Applicants opinion that the FEIS Plan meets the qualifying standards for the RMF-SCH district as established in §355-27 B. The requested application of the R-MF-SCH zone will be evaluated by the Town Board pursuant to §355-27 B. of the Town Code.

A-6 Comment:

Site Design & Density. The proposed application of the R-MF-A Zoning District to the townhome portion of the Proposed Action results in a rather high density plan that limits access to the interior parklike amenities. It is recommended that the Applicant explore placing the R-MF Zoning District on the townhouse portion of the site and increasing the exposure of the interior amenity parcel from the street by eliminating lots and thereby creating additional gaps/access to the interior.

(Town of North Castle Planning Department - July 8, 2019)

A-6 Response:

The FEIS Plan reflects an entirely new townhouse design, layout and configuration. The townhouses are arrayed around a looped oval interior roadway. All of the development on the parcel has been compressed into the southern half of the Site. Approximately 24.7 acres of the 32.5-acre Site (76%) will

remain as open space. Open space amenities now include a 3.5 acre community open space with overlook decks, contiguous pedestrian paths and trail ways bounded by native wildflowers and meadows, tree lined streets, buffer plantings, bio-swales and rain gardens, an enhanced woodland edge, groves of river birch and native perennials around the hotel, a pool overlook, enhanced park buffer with oaks, a sculpture meadow including quilt-like patterns of various meadow grasses, sculptural earth forms and large scale outdoor art, dark sky compliant landscape lighting, and an extensive landscape restoration plan involving the removal of invasive plants and the introduction of over 300 new hardy native trees.

A-7 Comment:

Zoning & Height. The proposed modifications to the OBH district's dimensional regulations would increase the maximum allowable building height from 3 stories and 45 feet, to 5 stories and 75 feet. This increase in height would permit the construction of a hotel that could be as much as 30 feet taller than currently allowed. This increase in height will be discernable from locations where the building can be observed, such as from North Castle Drive and Community Park. 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 OBH Zoning District to minimize these impacts.

(Town of North Castle Planning Department - July 8, 2019)

A-7 Response:

The 5-story building height previously proposed was necessary to accommodate the single mixed-use building that included both the hotel on the first and second floors and residential apartments on the third through fifth floors.

The FEIS Plan proposes a single free-standing 72,800 square foot, 4-story (45 foot) hotel, as well as a separate 71,600 square foot multi-family condominium building, that is also 4-stories and 45 feet in height. While a 4-story building is one more story than currently allowable in the OBH zoning district, the height of 45 feet is compliant with the existing OBH standards. In addition to reducing the

height of the buildings, the FEIS Plan has shifted the buildings away from both North Castle Drive and Community Park. In the previous DEIS Plan, the hotel/apartment building was setback off the northern property line by 60 feet, and was setback 80 feet from the Community Park Property line. Under the proposed FEIS Plan, the hotel building is now 630 feet off the northern property line, and 880 from the Route 22 edge of pavement and the multi-family condominium building is setback 170 feet from the Community Park property line.

As evidenced by the project renderings presented in Figures I-17 – I-21, views of Proposed Action, and corresponding visual impacts, will be significantly reduced under the FEIS Plan.

A-8 Comment:

Setbacks. The Applicant should discuss any special setback conditions that pertain to the subject site resulting from the donation of Community Park to the Town of North Castle from IBM. The Town Board will need to take any special setback conditions into account when planning for future development on the subject site.

(Town of North Castle Planning Department - July 8, 2019)

A-8 Response:

Pursuant to paragraph (f) on page 4 of the “Deed of Dedication of Lot A-1”, between IBM and the Town of North Castle, dated December 24, 1996, and recorded with the Westchester County Clerk on May 28, 1997 at Liber 11731, page 53, “Lot A [now lots A-3 (former IBM HQ) and A-4 (Eagle Ridge Site)], Lot A-1 [the Community Park], and Lot A-2 [WD #4] will be treated as a single lot for the purpose of determining Minimum Yards for Lot A in accordance with Section 213-24(7)(F) of the Code of the Town of North Castle as amended by Local Law no. 6 of 1995;”. Despite this provision, the plans that were presented in the DEIS as well as the FEIS Plan show all setbacks being measured from the existing Lot A-4 property lines.

A-9 Comment:

Setbacks. The existing OBH zoning setbacks are the same as the OB and DOB-20A 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 100' (30% reduction in setback), the side yard setback from 300' to 40' (87% reduction in setback) and the rear yard setback from 300' to 50' (84% reduction in setback). The proposed reductions in setbacks may create significant visual impacts from NYS Route 22 and Community Park. The Applicant should provide the rationale for permitting the proposed reductions in setback.

(Town of North Castle Planning Department - July 8, 2019)

A-9 Response:

As described in the DEIS, and the responses above, in order to create an economically viable development of the Site that incorporates a hotel, the property must be subdivided and additional complimentary uses included in an overall Site development plan.

Table IV.A-1 displays the existing OBH zoning regulations, the revisions to the OBH zoning district regulations that were proposed in the DEIS, and then the revisions to the OBH district currently proposed in the FEIS Plan, as well as the FEIS Plans compliance with those regulations.

Table IV.A-1 FEIS Plan Compliance with OBH - Dimensional Regulations										
	Minimum Lot Area			Minimum Yards			Maximum Building Coverage	Maximum Building Height		Floor Area Ratio
	Area	Frontage	Depth	Front	Side	Rear	Lot Area	Stories	Feet	
Required OBH Zoning	20 acres	500'	500'	150'	300'	300'	10%	3	45'	0.12
Previously Proposed DEIS Plan	5 acres	350'	300'	100'	40'	50'	30%	5	75'	.70
Proposed OBH Zoning	15 acres	500'	500'	100'	100'	150'	10%	4	45'	0.30

Proposed FEIS Plan	15.51 acres	933.3'	534.4	125'	140'	167.5'	6.6%	4	45'	.26
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The setbacks and zoning regulations proposed under the FEIS Plan are far more in-line with the existing zoning regulations, than were those proposed in the DEIS. Moreover, the substantial revision of the plan has relocated all of the site development much farther away from the previously identified public viewpoints; Community Park and the Route 22/North Castle Drive intersection. The requested zoning amendments are a Town Board legislative act and the Lead Agency will determine whether the proposed zoning amendments are acceptable.

As evidenced by the project renderings presented in Figures I-17 – I-21, views of Proposed Action, and corresponding adverse visual impacts, will be significantly reduced under the FEIS Plan.

A-10 Comment:

***Cumulative Impacts. This project, along with other proposed projects near the Armonk Hamlet, may create unacceptable traffic, parking and congestion impacts within the hamlet area. It is imperative that the Town explore opportunities to expand the supply of public parking in the Hamlet by completing the approved Nelson\Nygaard Armonk Hamlet parking study (delayed due to Main Street fire) prior to approving significant increases in housing supply in, and adjacent, to the Armonk Hamlet. It is anticipated that a Community Benefit Agreement will be established to financially assist in implementing long-term parking solutions.
(Town of North Castle Planning Department - July 8, 2019)***

A-10 Response:

Comment noted. The Applicant is willing to negotiate a Community Benefit Agreement.

A-11 Comment:

Zoning & Signage. The proposed zoning modifies the sign requirements by allowing signage to be approved by the Planning Board without standards. The

Applicant should explain why the provisions of Section 355-16. F. (9) should not apply.

(Town of North Castle Planning Department - July 8, 2019)

A-11 Response:

The Applicant is proposing to invest the Planning Board with the authority to approve signage because it is likely that attracting a hotel operator to the Site will be a challenge, and signage is often a significant siting factor. Establishing a degree of flexibility in the size and location of signage, instead of the imposition of a rigid zoning standard, is anticipated to assist in attracting a quality hotel operator, which is not only in the best interest of the Applicant, but certainly the Town as well. The requested zoning amendments are a Town Board legislative act and the Lead Agency will determine whether the proposed zoning amendments are acceptable.

A-12 Comment

You talk about splitting yourself into two separate parcels. To me, that implies, and the Town Attorney mentioned it to me earlier, that means there are going to be a condo-type operation, not fee simple. Obviously, if it was fee simple, we'd have to subdivide the second lot into however many units there are, parcels and homes.

(Councilman D'Angelo, Public Hearing - June 26, 2019)

A-12 Response:

Throughout the application process, the Applicant has discussed first subdividing the approximately 32.5-acre parcel into two parcels; a smaller parcel to accommodate the hotel and apartment building (now the separate hotel and multi-family condominium buildings) and a larger parcel to accommodate the townhouses. This discussion of subdividing the 32.5-acre site into two parcels centered on the zoning of the parcels. The smaller parcel would remain in the OBH zone, with the proposed zone text amendments to accommodate the FEIS Plan. On the larger parcel, the R-MF-SCH floating zone is now proposed to be applied. As shown on the FEIS Plan, the larger townhouse parcel is proposed to be further subdivided into a total of 51 lots; 50 townhouse lots and 1 lot to include

common area/open space. The Applicant has been and continues to be committed to fee simple ownership of the townhouses, which requires the subdivision of the larger townhouse lot into as many townhouses are approved on the Site. Once the density for the townhouse lot is determined, a Plat will be prepared showing each individual townhouse lot, which will reflect fee simple ownership.

A-13 Comment

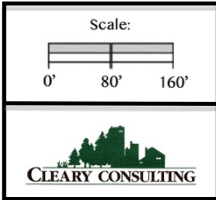
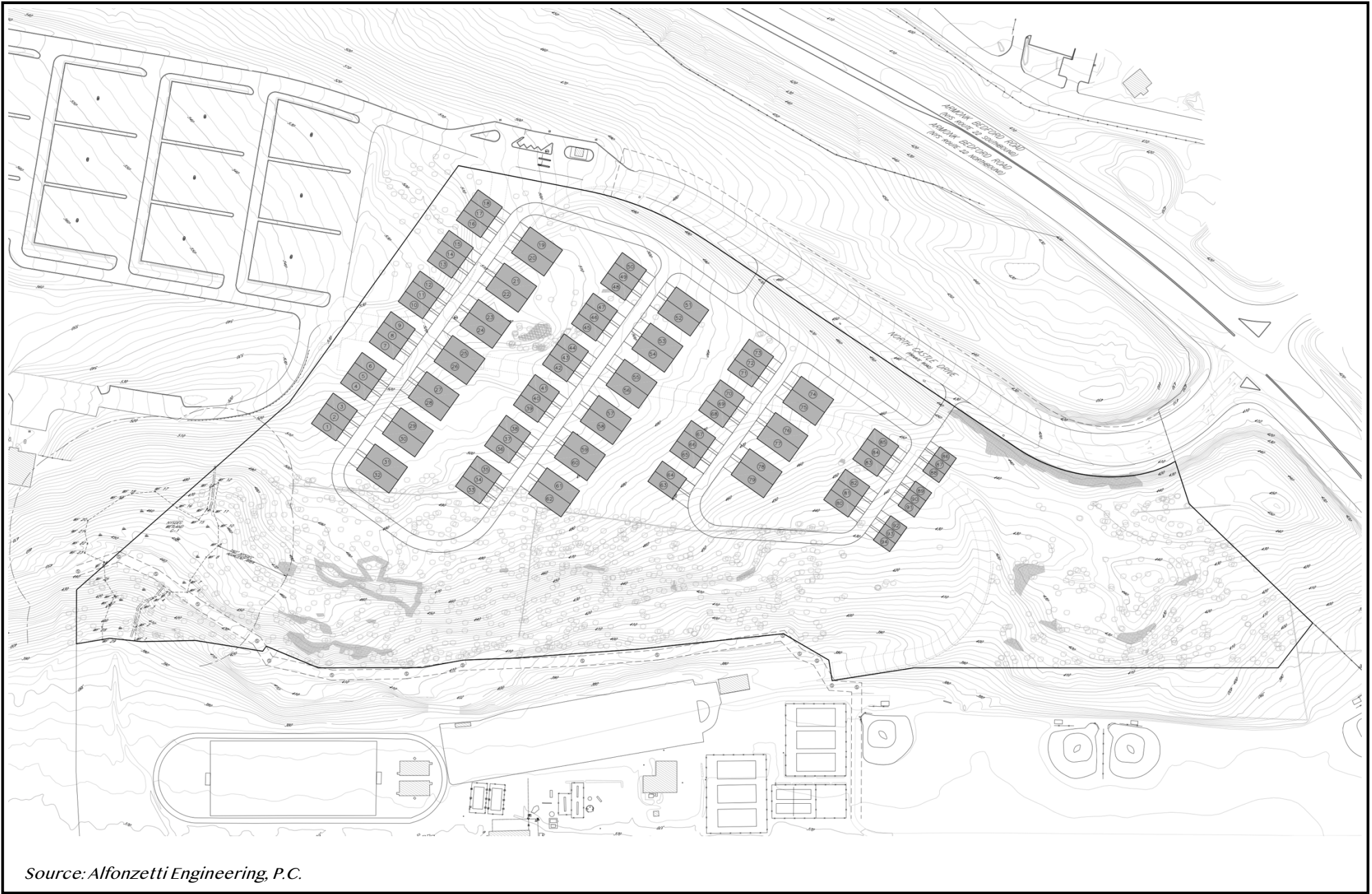
How many townhouses you could build if the property for the -- if the OBH zoning were not changed, as far as frontage, depth, front, side, and rear yards, okay, so where we end up with still 500 front, 500 depth, 150 front, 300 side, instead of the 40 you've proposed, and the rear of 300 instead of the 50 you propose. And when you do that, figure out the hotel size, figure out the piece of property, and then come back and figure out how many townhouses we can put on that second piece of property, okay. Because I'm looking at these pictures and, you know, it looks like people are going to hit foul balls into some of the back yards and terraces of the hotel.

(Councilman D'Angelo, Public Hearing - June 26, 2019)

A-13 Response:

The OBH zoning district does not permit the development of townhouses. However, if the R-MF-SCH floating zone were applied to the Site, and the environmental constraints and site development concerns expressed during the course of the review of the DEIS are taken into consideration, a development of 94 townhouses is realistically feasible (see Figure III.A-1). A summary of the impacts of this alternative plan, compared to the DEIS Plan and the FEIS Plan are presented in Table IV.A-2.

Table III.A-2 Comparison Between FEIS Plan, DEIS Plan and Townhouse Only Plans			
Project Element	DEIS Plan	FEIS Plan	94 Townhouse Only Alternate Plan
Gross Floor Area			
▪ Hotel	80,982 sqft	72,800 sqft	
▪ Apartments/Condominiums	91,911 sqft	71,600 sqft	



Alternative Townhouse Plan



Figure
IV.A-1

▪ Townhouses	258,160 sqft	140,000 sqft	263,200 sqft
Building Height			
▪ Hotel/Apt/Condo			
○ Stories	5 stories	4 stories	
○ Feet	(71.7')	45'	
▪ Townhouses	2 ½ stories	2 ½ stories	2 ½ stories
# Units			
▪ Hotel	91	115	
▪ Apartments (DEIS) Condos (FEIS)	70	59	
▪ Townhouses	94	50	94
# Parking Spaces			
▪ Hotel/Apartments (DEIS Plan)	308	N/A	
▪ Townhouses	213	200	
▪ Hotel (FEIS Plan)	N/A	215	
▪ Multi-Family Condos (FEIS Plan)	N/A	112	201
Area of Disturbance	26.5 acres	19.1 acres	20.7
Steep Slope Disturbance (>25%)	4.3 acres 16.1%	1.7 acres 5.6%	2.6
Net Cut			
▪ Site + Buildings	-51,400 cy	-2,555 cy	~2,500 cy
Impervious Areas	10.4 acres	7.8 acres	6.0
Open Space	22.1 acres	24.7 acres	26.5
Water Usage	73,410 gpd	34,980 gpd	11,750 gpd
Wastewater Generation	73,410 gpd	34,980 gpd	11,750 gpd
Residential Population	414	228	196
School Children	53	22	22*
Peak Hour Traffic	118 AM 146 PM	104 AM 130 PM	10 AM 33 PM

*The Townhouses are proposed to be age-restricted to adults 55 and above. As a result, the school-age children projection is extremely conservative, and it is probable that no school-aged children would reside in the townhouses at Eagle Ridge.

A-13 Comment

Again, this is just a comment. The original zoning for that entire piece of property is 300 rooms. If we put a small hotel there, you're talking about 91 rooms, 70 apartments, which, by your count, gives you 96 bedrooms, 70 living rooms, 70 kitchens, and 10 have dens. That building alone is 337 rooms. And on top of that, you want to add 90 or so townhouses. In my opinion, way too big for the property.

(Councilman D'Angelo, Public Hearing - June 26, 2019)

A-13 Response:

300 room hotel was part of an illustrative plan that supported the rezoning of the property to OBH. The room count is not dictated by the zoning in any way. The 0.12 FAR that currently exists in the OBH zone would allow for the construction of a 169,884 square foot hotel. Based on the average hotel room size¹ the 169,884 square foot building could accommodate 522 guest rooms as of right, under the existing zoning.

A-14 Comment

In a similar vein, the square footage. I won't go through all the details, but, again, you have a certain square footage for a 300-room hotel, even if you include big rooms, huge ballrooms, everything else. When you get down to all the square footages on the apartments and the townhouses, it dwarfs what could be there before.

(Councilman D'Angelo, Public Hearing - June 26, 2019)

A-14 Response:

Comment noted.

A-15 Comment

I'm overwhelmed by the massiveness, the vastness, of this proposal. And when I was looking at it, I thought -- and I hadn't thought of this when I was looking at my binder -- is I'd like to see a proposal in which -- the hotel design is obviously going to be a lot different. But I'd like to see it flipped. I'd like to see the hotel first of all, I'd like to see the hotel parcel increased. It's only six and a half acres. The residential part is 26 and a half acres. And to me there's something sort of lopsided. We have this, you know, 32.5-acre parcel that's zoned Office Business Hotel, and yet the greatest percentage of this proposal is residential. So, I'd like to see a plan in which you had the hotel where the townhouses are. I'd like to see the property for the hotel maybe, at the very least, doubled. I'd like to see more

¹ Average size of hotel room in United States - 325 square feet - Statista

green space. And obviously, I would like to see, you know, flipping the townhouses, fewer townhouses.

(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

A-15 Response:

In response to the comments received during the public review of the DEIS, the plan presented in the DEIS has been significantly modified. Under the FEIS Plan the “lopsidedness” and “vastness” of the development has been addressed. The parcel supporting the hotel and multi-family units has been increased from 6.25 acres in size to 15.51 acres, and the townhouse parcel reduced from 26.25 acres to 17.03 acres. Additionally, all of the development has been shifted to the southern portion of the property, away from Community Park and Route 22. Tightening the development footprint to an impervious surface coverage of 7.8 acres leaves 24.7 acres (76%) of the Site as preserved or restored open space.

A-16 Comment

I also think that as I look at this, I question if this is really the character of our town. Is this the character that we want to add to our town?

(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

A-16 Response:

The FEIS Plan reflects a significant modification to the development of the Site. It is the Applicant's opinion that the FEIS Plan has substantially mitigated the concerns raised relating to community character.

A-17 Comment

And I am a walker. I'm at Community Park probably 360 days a year. And when I walk down that path where the ball fields are and I look up at -- because your setbacks are so minimal, when I look up at where the hotel would be, I just think to myself, of all the families that use this park, either for ball fields or, like me, walking, jogging, whatever the case may be, and seeing this proposed plan, again, with the minimal setbacks and this five- story hotel, I think that I would leave town. I mean, I think people would be aghast at what this Town Board let happen. So I think an alternative plan is, to me, really very, very important.

(Councilman D'iGiacinto, Public Hearing - June 26, 2019)**A-17 Response:**

The FEIS Plan has significantly modified the proposed development of the Site. The relocation of the hotel and multi-family condominium buildings, which are the northernmost structures within the development, now extend no further than the tennis bubbles on Community Park, and will be setback off the eastern property line by a minimum of 170 feet, compared to the 80 feet in the plan presented in the DEIS. Additionally, the height of the tallest building will be reduced from 5 to 4 stories (75 feet to 45 feet, as permitted in the OBH zone). The hillside adjacent to all of the open ballfields will remain completely undisturbed, and the existing views will be unchanged. The primary views of the Proposed Action will occur from the Recreation Park parking lots.

A-18 Comment

I was just curious in terms of the village green or the village -- in the middle there. How much property is that? Is that like an acre? What is that?
(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

A-18 Response:

The Village Green, which was a central focal point within the townhouse portion of the Plan presented in the DEIS was less than an acre in size.

A-19 Comment

And I think it was Chapter 2 of the Executive Summary Table Roman numeral II-2. I'd like you to explain how the open space was calculated, because it seemed rather generous or high in terms of the calculation. I didn't write down exactly what it was. And I'd like to make sure that the calculation for the open space would not include yards, you know, miniscule as they are.
(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

A-19 Response:

The overall open space calculations included all areas of the Site not permanently improved. The plan presented in the DEIS involved disturbing approximately 26.5

acres of the 32.5 acres Site (81.5%), and constructing 10.4 acres of buildings, roads, parking lots and other impervious surfaces, leaving 22.1 acres (68%) of open space on the Site upon completion of the development. By way of comparison, the modified FEIS Plan disturbs approximately 19.1 acres of the 32.5 acres Site (58.7%), and calls for constructing 7.8 acres of buildings, roads, parking lots and other impervious surfaces, leaving 24.7 acres (76%) of open space on the Site upon completion of the development.

A-20 Comment

But first a couple of questions. On page 446 out of 495 -- that's okay, I know the exhibit page -- 5-1, it says, This alternative does not meet the objectives of the Applicant, nor would it meet the objectives of IBM, the prior owner of the property. What are the objectives of IBM with respect to this parcel? (Councilman Berra, Public Hearing - June 26, 2019)

A-20 Response:

IBM, the former owner of the Project Site, sold the property to Maddr Madonna Armonk LLC in August of 2017. In connection with that sale, IBM reviewed the Applicant's conceptual site plan, which provided for the construction of townhouses on the southern portion of the Project Site closest to IBM and a hotel with apartments/condominiums on the northern side of the Site. By letter dated March 12, 2018, IBM advised both the Town Board and Planning Board that "[IBM] support[s] this plan and request[s] that the Boards of the Town of North Castle act favorably on the applications of Maddr Madonna Armonk LLC relating to Lot A-4." Based on this letter of support, IBM's objectives with respect to this parcel are that it be developed in accordance with Maddr Madonna's proposed townhouse and hotel and apartment/condominium development.

A-21 Comment:

But Steve pointed out some of the dramatic differences between at the time that board created in the zone, the OBH, versus what's being proposed, which are pretty dramatic. 20 acres versus five acres. 500-foot frontage versus 350. Depth, 500 feet versus 300. The minimum yards, front, 150 versus 100 proposed, side, 300 versus 40 proposed. Rear, 300 versus 50 proposed. Maximum building

coverage area, originally 10 percent, now 30 percent. Maximum building height, three versus five stories. Actual height, 45 versus 75. And FAR, .12 versus .7 proposed. So there's just a lot of dramatic difference in what was originally created by the board and what's being proposed here. And, again, we understand -- we've digested the economics. Still some puzzlement on that.

(Supervisor Schiliro, Public Hearing - June 26, 2019)

A-21 Response:

See response A-3.

A-22 Comment:

There was a comment in here on Section 2-9 about it was rezoned by IBM but has not been developed in accordance with that zoning. We knew that. We knew that going in. IBM wanted to subdivide it, but did not really have, if I can remember correctly, an intent on building a hotel; they just wanted to have it zoned that way in -- potentially in the future. So it wasn't not built because IBM decided not to build it. Their intention was never really to build it.

(Supervisor Schiliro, Public Hearing - June 26, 2019)

A-22 Response:

See response A-20.

A-23 Comment:

Piers Curry was head of -- was the planning department guy -- not planning department, excuse me. He was the head of the planning board. And he had a philosophy that worked very, very well for this town, and it was part of a -- strategic part of the way this town was designed, and it involved Route 22. To the south it was going to be commercial and business. To the north it was going to be residential. And this kind of goes -- wavers past because you're bringing this south -- you're bringing this whole residential south. So I just wanted to make that as a comment.

(Mr. Woodyard, Public Hearing - June 26, 2019)

A-23 Response:

Comment noted.

A-24 Comment:

In looking at the residential, it's massive. It's a lot of houses. Has anybody gone down to see BelleFair? In Rye Ridge. Yeah. BelleFair is kind of an interesting concept. They have all these townhouses around a central square. And I suggest that you guys to go down there and take a look at it. And at one end of it there's a little convenience store. It's all like a self-actuated community. And I think that that would be kind of an interesting way to look at it. And you go there and you see all these kids after school playing on this village square that they've got there, and it's really wonderful to see kids playing football and frisbee and really having a good time. It's something to think about.

(Mr. Woodyard, Public Hearing - June 26, 2019)

A-24 Response:

Comment noted.

A-25 Comment:

Two things that might be considered. A convenience store that would be part of the hotel, if you're going to do the residential up there, like a little Nick's or something like that, you know, just a Catch and Go.

(Mr. Woodyard, Public Hearing - June 26, 2019)

A-25 Response:

While the hotel may provide for the sale of convenience items, it is not intended as a publicly accessible convenience store. Ideally, the residents of Eagle Ridge would do their shopping in the hamlet.

A-26 Comment:

When I first heard about this, it was many months ago, maybe a year ago. And my thought was, okay, a hotel up there. And I wasn't getting too excited about it because you've got the Business Park down below with all those businesses, and then you've got the old IBM headquarters up there. And I just thought, okay, this

is just going to get tucked away back there. And it was going to be a hotel. And then all of a sudden I feel like a bomb was dropped on me. And all of a sudden they have all this other residential going on there. And it seems like there is an awful lot of new multifamily housing being proposed in this comes and thinks their everybody is going to want their residential housing. But it sounds like people are going to have a choice of a lot of residential housing, because wasn't there some talk about that MBIA was maybe going to be turned into some kind of residential too? So I'm just hearing a lot of residential. It's not like one house here, one house there, another house going up in that neighborhood. This is a huge number of lots of multifamily housing coming into this town.

(Ms. Dantzig, Public Hearing - June 26, 2019)

A-24 Response:

Comment noted.

A-25 Comment:

Somewhere I saw them talking about in the Comprehensive Plan affordable housing. And I would like to hear, and perhaps it's more from you, what was meant by affordable housing? I don't know if it was an average of the housing costs here. If you meant -- I just don't know what that term meant anymore. And at some point I would be very interested in hearing what that was, because people keep saying the rents at Mariani, what do they mean by affordable? That's not affordable. So that term is being tossed around so much, and I think it has so many different meanings. I would be more interested in it not being used and having a better descriptor of what -- something to take its place.

(Ms. Dantzig, Public Hearing - June 26, 2019)

A-25 Response:

The Town of North Castle has adopted the Westchester County Affordable Housing Model Ordinance. It is codified in § 355-24(I) of the North Castle Zoning Code. Pursuant to the North Castle Code, in any residential development in excess of 10 units, no less than 10% of the units must be created as affordable AFFH units. The maximum rent and sales price of an affordable AFFH unit is established in accordance with the U.S. Department of Housing and Urban

Development Guidelines as published in the current edition of the Westchester County Area Median Income (AMI) Sales and Rent Limits available from the County of Westchester.

A-26 Comment:

I've seen a lot of residential development. And to be honest, some of it was concerning and we were startled by how much development there's been.

(Mr. Jacobs, Public Hearing - June 26, 2019)

A-26 Response:

Comment noted.

A-27 Comment:

I live north of the hamlet, well north of the hamlet. That actually gives me an option that a lot of people in North Castle don't have. If I don't feel like driving into Armonk and figuring out parking and dealing with traffic at the busy times of day, I don't have to. I can shop in Bedford. I can get to the movies in Bedford. I can drive to Mount Kisco if I want to be in a small city with good transportation. And I think that one of the effects of this is going to be to really heighten the contrast between what's going on down here in the southern part of Armonk and the northern part, which is really going to start to resemble a different country.

(Mr. Jacobs, Public Hearing - June 26, 2019)

A-27 Response:

Comment noted.

A-28 Comment

Just I wanted to clarify, when I mentioned that I'd like to see a plan where you flipped the hotel and increase, you know, the -- double the land size. But I also would like to see the hotel, you know, smaller, I mean, not the, you know, five stories aboveground.

(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

A-28 Response:

See response A-15.

A-29 Comment

On that note, I had made a comment at the previous hearing two weeks ago to study the -- putting the hotel and the apartments in -- on that piece of property based on the current zoning, except for the FAR and the height requirement. And I just want to amend that to bring it -- take that height requirement, make it the same height as what was in the original OBH zone. So what can you put there -- what can you put the hotel piece on just having a different FAR, which obviously would be a lot higher than the zoning exists because you'll be cutting a piece off. So I'd like that issue studied.

(Councilman D'Angelo, Public Hearing - July 10, 2019)

A-29 Response:

In the plan presented in the DEIS, the hotel/apartment building was 5-stories in height. The FEIS Plan separates those uses into two buildings, both of which will be 4 stories tall, with a dimensional height not to exceed 45 feet. The current existing maximum dimensional height for the OBH zoning district is 45 feet. The FEIS Plan will fully conform to this existing zoning height regulation. The FAR of the FEIS Plan would be .26, compared to .70 under the plan presented in the DEIS.

A-30 Comment

In the main document, I think it's in the Executive Summary, it says in Roman numeral II 7 that the project is specifically consistent with the land use recommendation established in the Town's recently adopted Comprehensive Plan. I'd like more analysis of that, because I don't see that as being the case, certainly not specifically consistent. Comp Plan I don't believe envisions something like this. And I think that misses the point that a lot of people are concerned about the dramatic message that this provides, and also how big it will look. And I'm having a hard time seeing that this would really be consistent with the nature of the town or what's in the Comprehensive Plan. So anything that can be done to address that.

(Councilman Berra, Public Hearing - July 10, 2019)

A-30 Response:

The DEIS addressed the various land use plans governing the Site, and noted areas of conformity and non-conformity. Specifically, page 35 of the Comprehensive Plan states “Consider adjusting the PLI, OB-H, and DOB-20A zones to allow for residential uses, at an appropriate scale. In the PLI and DOB-20A zones, retail, hotel, personal-service, entertainment and ancillary education uses may also be permitted for these areas, but any retail should be limited to accessory uses to avoid competition with existing retail. A similar approach may be considered for the RELIP zone on Old Route 22.”

It is the Applicant’s opinion that Eagle Ridge is fundamentally consistent with the goal to develop the Site to support the proposed uses. With respect to “how big it is” the Applicant contends that the comprehensive plan guidance does not specifically address that issue, but the OBH zoning does. The Applicant contends that changes to the zoning are necessary to allow for a realistically economically viable project to be developed at the Site.

A-31 Comment

*I just have a few things. I'd like to go back to Steve D'Angelo's initial comment about the proposal of, you know, flipping so that the hotel is on the upper level of the property and that it would be shown according to the OBH zoning district setbacks, et cetera. And I think I had said that I'd like to see it on at least 12 acres, the hotel. And I just wanted to clarify that the remaining 20 acres, or it could be less, if they wanted to do 14 acres for the hotel, but the remaining, let's say, 20 acres that are for townhouses, I would want to see using the residential multifamily zoning district requirements, and I would want it to be for detached housing so that we would see larger parcels for the townhouses.
(Councilman Berra, Public Hearing - July 10, 2019)*

A-31 Response:

See response A-15. The hotel parcel is now proposed to be 15.51 acres in size.

A-32 Comment

This whole parcel is zoned OBH -- it's -- I think I made this comment before -- it's, to me, just sort of a little lopsided, given the present zoning. It's 91 hotel rooms, but 164 residences. And I'd like the rationale for why you have proportionately so many more proposed residences, apartments, townhouses, than hotel rooms. (Councilman DiGiacinto, Public Hearing - July 10, 2019)

A-32 Response:

Under the FEIS Plan, the number of hotel rooms has been increased from 91 guest rooms to 115 guest rooms, the 70 rental apartments have been changed to 59 multi-family condominiums and the number of townhouses has been reduced from 94 to 50. As fully documented in the DEIS, and as confirmed by the Town's own consultant, a stand-alone hotel is simply not viable at this site. Consequently, supplementary uses are required to support an economically realistic development of the property. Market trends and expanding demand for housing strongly indicate that residences would be the most appropriate supplementary use.

A-33 Comment

I just wanted to confirm what José said earlier about the Comprehensive Plan, because people will know that I was on that for three years. Barbara was a consultant on it, and Adam did an outstanding job in leading his troops ahead. We looked at this property and we looked at the zoning and the OBH, and we were pretty happy with it. There was no mention of any housing, no rentals as part of it. We wanted to keep it as an OBH. So I'm a little bit confused, but anyway, as to why there would be this change. And we were pretty strident about it.

The other thing is -- and the reason was, is going back to what I had mentioned two weeks ago, is what Piers Curry had done and how he had divided the town, had 22 being the town DMZ, for lack of a better term, with commerce and businesses to the south and residential to the north. And that's worked for the town for years and years and years, and I thought it was good.

(Mr. Woodyard, Public Hearing - July 10, 2019)

A-33 Response:

Comment noted. When the Town rezoned the Site to OBH, it was envisioned that a full-service hotel could be developed on a full 20+ acre parcel. The detailed market analysis conducted by the Applicant and presented in the DEIS revealed that a full-service hotel was not a realistically viable development opportunity, however, a smaller limited service hotel was.

The Site is 32.5 acres in size, or 12.5 acres larger than required under the original OBH zoning to support the type of large hotel envisioned by the Town. Because the hotel use must be reduced in scope and scale, it was determined that the 32.5-acre Site was excessively large and would need to be subdivided to more appropriately accommodate a smaller limited service hotel, and alternative complementary uses added to the development to bridge the gap economically.

The historic viewpoint of Mr. Curry is noted.

See responses A-3, A-4.

A-33.1 Comment

*The other thing I had when I was looking at this local law change -- which I'm glad it's going to be postponed -- the number of stories is five, and the question as to whether or not that includes the two stories of parking that are proposed.
(Mr. Woodyard, Public Hearing - July 10, 2019)*

A-33.1 Response:

The plan presented in the DEIS envisioned a 5-story hotel/apartment building, with two levels of subsurface parking, which would not be classified as stories. The FEIS Plan splits what was the hotel/apartment building, into separate hotel and multi-family condominium buildings, each would be 4-stories in height, and not exceed 45 feet in height, which is the maximum height currently permitted in the OBH zoning district.

A-34 Comment

The Applicant acquired the property in August 2017 with what I can only presume was full knowledge of the OBH zoning for the property and with, again, I presume, a financial rationale for the acquisition at that time. The feasibility analysis, which tells us that the Applicant concluded that a full service hotel and no residential component was not feasible is dated in February 2018. So just several months afterwards. So it seems to me that one of three things occurred: Either the Applicant purchased the property zoned for hotel use at the time without having conducted adequate analysis of whether or not hotel use without residential was appropriate and economically feasible, in which case the Applicant has a problem, not North Castle. Or the Applicant did conduct such analysis, and then the market for hotels changed dramatically during the six months between purchase and completion of the feasibility analysis. Or the Applicant knew at the time of purchase that hotel only use would not be feasible for its purposes, but bought the property anyway, secure in the knowledge that they could ask for and receive the necessary variances, in which case I think North Castle does have a problem. So I would like the Applicant to provide more information on the process, the decision making process, that led to the purchase and then to commissioning the feasibility study, including but not limited to any financial analysis conducted by the Applicant or its agents prior to or in conjunction with the purchase, any information regarding the terms under which JF Capital Advisors was engaged to conduct the feasibility analysis, and any data that shows a dramatic change in the hotel market in our area between the date of purchase and the date of the feasibility analysis.

(Mr. Jacobs, Public Hearing - July 10, 2019)

A-34 Response:

The information requested is highly confidential and proprietary. However, the Town Board will review the requested zoning amendments and determine whether it is prudent, or not, to amend the zoning code. The Town of North Castle has no obligation to approve the requested zoning amendment. In addition, the Lead Agency hired its own consultant to review the submitted hotel study. The Town's consultant concluded that a hotel only development on the property, given the area's construction costs, would not make economic sense.

A-35 Comment

This area's being inundated with homes. I mean, you do have Brynwood further way up the road. But is there a way to determine what is too much as far as, you know, what individual units are being added and the percentage compared to what we are now? And I know that your jobs -- job includes bringing in assessables and making sure the town remains vibrant and viable.

(Ms. Fernberg, Public Hearing - July 10, 2019)

A-35 Response:

The FEIS Plan would add 109 dwelling units to the Town's existing housing stock of 4,365² dwelling units, which represents an increase of 2.49%.

A-36 Comment

People are extremely concerned about what's going on. And I have to revert to one of my neighbors saying, We're turning into Scarsdale. And I think it's true. If all of this is built -- I just think it's overbuilt

(Ms. Fernberg, Public Hearing - July 10, 2019)

A-36 Response:

Comment noted.

A-37 Comment

And I think a hotel is a great idea. I think it would be very successful. And I've stayed in Kimptons myself. I didn't know that was one of the brands they were talking about. But, you know, I think that's a really great idea. But the housing, the additional units, I'm just very concerned that we're going to be oversaturated with a lot of housing and a lot of super expensive housing. And I know it's not your jobs to know if a project will fail or not, or be successful or not, but at some point you have to say, you know, when is too much? And I don't know if there's some formula that there's an answer for out there. I'm sure there's not.

² U.S. Census Bureau American Community Survey data, 2013-2017

(Ms. Fernberg, Public Hearing - July 10, 2019)

A-37 Response:

Comment noted.

A-38 Comment

I'm a light sleeper. I'm up at, you know, 4:00 in the morning a lot of times. It's getting very busy around here. And these two developments, Mariani and, you know, the other one that would be at IBM, just feels, also, to me like it would add to a certain amount of congestion. And I can't help but feel like they are each looked at as individual projects and not necessarily in aggregate. I'm new to participating in this process, so I could be wrong about that. But that's how it seemed to me as I've read up on these things recently. And then the other is I do find it troubling that somebody could make a purchase with a known zoning limitation and then just try to get that law changed and then put themselves in a more profitable position. And it seems very odd to me, honestly and, again, I'm new to this process -- for that to be even taken into consideration when that's their risk. I just don't -- I don't actually get that part and I find it concerning.

(Ms. McLaughlin, Public Hearing - July 10, 2019)

A-38 Response:

All of the analyses in the Draft and Final Environmental Impact Statements incorporated the cumulative impacts of other developments in the Town.

The Applicant acknowledges that the commentor finds it troubling that a modification to the existing zoning is being sought. Zoning is not static, but in order to be effective, must be periodically adjusted or modified when necessary, to reflect changing conditions. The Applicant has assumed the risk of petitioning the Town to modify the zoning of the Site to accommodate a development that can be viably realized.

A-39 Comment

The DEIS proposes that the Eagle Ridge development be connected to Armonk's Community Park. As you are aware, the recorded agreements dated December

24, 1996 between IBM and the Town of North Castle and dated August 14, 1997 between Armonk Business Center, LLC and the Town of North Castle prohibit this connection from occurring. We expect that the Town of North Castle will honor its legal obligation, and not allow any connection between Eagle Ridge and Community Park.

(Edward Lashins, Armonk Business Center, LLC - July 23, 2019)

A-39 Response:

Pursuant to the Adopted Scope, dated June 27, 2018, the Applicant was required to “[p]rovide pedestrian access from Eagle Ridge to Community Park.” Accordingly, the Applicant developed a plan to show how access from Eagle Ridge to the Community Park could be provided.

Unfortunately, pursuant to the “Deed of Dedication of Lot A-1”, between IBM and the Town of North Castle, dated December 24, 1996, and recorded with the Westchester County Clerk on May 28, 1997 at Liber 11731, page 53, paragraph “g” on page 4 provides that “the Town will construct by July 1, 1997 and thereafter maintain direct public access to the [Community Park] from Business Park Drive or other public right-of-way and under no circumstances will the Town have access to the [Community Park] through Lot A.”

The Eagle Ridge development is proposed on a portion of former Lot A. Therefore, direct public access from the Eagle Ridge site to the Community Park is prohibited by the Deed of Dedication between IBM and North Castle.

Furthermore, pursuant to the “Correction Deed of Dedication and Declaration”, between Armonk Business Center, LLC and the Town of North Castle, dated August 14, 1997, and recorded with the Westchester County Clerk on September 2, 1997 at Liber 11802, page 309, the Town of North Castle “covenants and represents that [it] will not amend, modify, or otherwise agree to accept any changes to that certain instrument entitled ‘Deed of Dedication of Lot A-1’ between International Business Machines Corporation and [the Town of North Castle] dated December 24, 1996 and recorded on May 28, 1997 in the Westchester County Clerk’s office at Liber 11731, page 53 (the ‘IBM Deed’)

relative to the following specific provisions of the said IBM Deed:... b. the paragraph marked(g) on page 4 thereof...”

The Applicant met with the Manager of Armonk Business Center, LLC, to discuss to possibility of removing this restriction in order to allow for pedestrian access to the Community Park from the Eagle Ridge development. However, the Applicant’s request to allow for a pedestrian connection between the Community Park and the Eagle Ridge development was refused.

Based on these recorded instruments between IBM and the Town of North Castle and Armonk Business Center, LLC and the Town of North Castle, the Applicant cannot provide the requested pedestrian connection between the Eagle Ridge Development and the Community Park. The Town Board will continue to work with Armonk Business Center LLC to modify the existing pedestrian connection restriction.

A-38.1 Comment

*As a previous resident and member of the Armonk Independent Fire Company for over 22 years and also an Eastern Airlines pilot and Captain I must comment on the proposals for new buildings in Armonk. Historically developers always ask for more than is practical and then settle for something reasonable.
(Arnold B. Alison - August 5, 2019)*

A-38.1 Response:

Comment noted.

A-39.1 Comment

*I object to the proposed Eagle Ridge Development. I object to developers/builders buying property zoned for one thing and then requesting something else. I know it’s in their DNA, and it’s business as usual. But I object to it. I object to the size of the project proposed at Eagle Ridge for the main reason that it would obliterate a beautiful piece of pristine property in our hamlet.
(Linda A. Fernberg - Undated, 2019)*

A-39.1 Response:

Comment noted. See also Response A-34.

A-40 Comment

If I had my druthers, I would hope that this could be kept as open space by a deal with a land trust entity.

(Linda A. Fernberg - Undated, 2019)

A-40 Response:

Comment noted.

A-41 Comment

The last time a large development was brought before the Town Board (TB) was Brynwood, which still hasn't been built. Before that, it was Whippoorwill Ridge, Whippoorwill Hills, Cider Mill and Leisure Farm, Sands Mill and Wrights Mill. The first 3 are dense projects, the other 3 are single family homes, but they're not on the minimum 2 acres like most zoning in Armonk and Banksville.

All of these projects, except Brynwood, are relatively close to the business district of Armonk. Meaning all of these residents have to travel through town to get out of town. Hence, our bottleneck of traffic at Maple and Bedford, Bedford and Main St. and Maple and Main St.

If you look at Google Maps and focus on the intersections of Main St. and Rt. 22 and Maple St. and Rt. 22 you see from left to right Whippoorwill Ridge and Hills and Cider Mill then moving right, you're in town and there Mr. Mariani will build his apartment buildings. Slightly to the north is Mr. Fareri's Main St. development with (?) units, and moving right some more you have Mr. Fareri's 36-unit apartment building at the end of Bedford Rd. (The Lumberyard)

These developments represent the trend of large amount of units on the smallest parcels of land in all of Armonk and Banksville. I do not know how many units are in Whippoorwill Ridge or Hills or Cider Mill. And while they are

primarily single-family townhouses, attached or otherwise, they do represent a lot of units close to town. Density.
(Linda A. Fernberg - Undated, 2019)

A-41 Response:

Comment noted.

A-42 Comment

By even entertaining anything more than the hotel, presently zoned for Eagle Ridge property you are looking at an exponential increase in population in general and when added to already approved projects like Main St., the Lumberyard and Mariani's, Eagle Ridge easily doubles those projects.

Here's the applicable word: CONGESTION. That's what we're going to get with all of this building. Congestion, traffic, pollution and desecration of a beautiful piece of property on North Castle Drive.

These large projects do not represent the Armonk I have come to know and love.
(Linda A. Fernberg - Undated, 2019)

A-42 Response:

The 109 new dwelling units proposed under the FEIS Plan would result in a projected resident population of 228. It should be noted that it is highly likely that some of the new residents at Eagle Ridge will already reside within the Town of North Castle.

A-43 Comment

I haven't done a very deep dive on Eagle Ridge. I think a hotel could be good for North Castle, but I would say that a much better spot for it is the "MBIA" property. Closer to the airport with a minimal touch on our downtown which is already bursting at its seams.

Much of Armonk and Banksville have wetlands, streams and lakes. North Castle will never be fully developed area wise. Builders want to build, but when they

come before you with outlandish proposals like Eagle Ridge, they should be sent packing.

Just because there's less land to build on doesn't mean that anyone should be allowed to increase the density of homes/buildings and people on the open land.

We live today in a time of greed. Call it the "Gilded Age II". Everyone wants to make money, and more money. Developers are no different. But they should not be accommodated or entertained when their plans take so much open land because "that's the only way they can be profitable". Their version of profitable can mean the end of "bucolic Armonk".

(Linda A. Fernberg - Undated, 2019)

A-43 Response:

Comment noted.

A-44 Comment

I do believe that we must find a more sensible way to support the kind of building and development that will help the town, not hinder it. Large dense projects are not the way to go. The future holds something we perhaps haven't seen yet. But piling people into small areas close to town is not the answer. It will cause so many more problems than we already have. Density is the enemy, especially near the downtown area.

Fareri is building his Main St project. He's approved for 36 units at the Lumberyard and Mariani has been approved for 43 units at the gateway corner into our downtown.

Please do not allow this project/application to move forward in any way, shape or form. It's too much for such a small area that's already oversaturated. Our infrastructure can only withstand so much. Why are "we" trying to cram as much as we can into it? Beats me.

Finally consider this. Sometime prior to the 2008 economic meltdown, this town put a moratorium on building (private? Not commercial?) I believe. Forgive me if my timeline is a little wobbly. This act ended up helping the town tremendously when the economy tanked. We didn't have a glut of overpriced housing on the market and we were able to survive and recover quite well.

One can argue, and I do, that we have not had a truly robust recovery since 2008. We're doing better than Europe because we didn't adopt an austerity budget, but we have anything but a booming or even robust economy, in my humble opinion.

Now we have serious reason to believe that a recession is looming. Empirical data bears this out. While no one has a crystal ball (at least no one I know) I believe caution is the best course of action at this time. There's nothing wrong with being prudent while looking at this project and the others that haven't been finalized yet.

Density, congestion, wetlands, traffic, water, sewer. These are the concerns. Prudence, patience, caution. The preferred course of action.

I urge you to stick to the zoning. Hotel. Only.

(Linda A. Fernberg - Undated, 2019)

A-44 Response:

Comment noted. The community planning principle of accommodating density near downtown areas (smart growth) as opposed to open undeveloped areas, is well established. Eagle Ridge involves significant infrastructural enhancements, that will benefit the Town as a whole.

A-45 Comment

When this was rezoned, all residential was to be in downtown in the hamlet area. That's because it makes no sense to put significant residential development in this area.

(Michael E. Fareri - August 19, 2019)

A-45 Response:

Comment noted. 109 residential units are proposed in the FEIS Plan, a reduction of 55 units from the 164 proposed in the plan presented in the DEIS. The Lead Agency will evaluate whether the proposed density is acceptable.

A-45 Comment

Please explain why the F.A.R. for this project is increased from .12 to .7 with the hotel and multifamily site having an F.A.R. of 8. This is a huge increase and you always talked to me about the increase in F.A.R. on my projects. Wat is the Town gaining that is so precious that the F.A.R. can increase 5x?
(Michael E. Fareri - August 19, 2019)

A-45 Response:

The FEIS Plan involves an amendment to the FAR of the OBH district from 0.12 to 0.30. This is less than half of what was proposed under the plan previously presented in the DEIS. The Lead Agency will evaluate whether the proposed density is acceptable.

A-46 Comment

I would like to have a plan prepared that shows a 150-unit hotel on 12 acres as originally envisioned. Any increase in multifamily units should absorb F.A.R. from the remaining lands where the townhouses are.
(Michael E. Fareri - August 19, 2019)

A-46 Response:

The FEIS presents a significantly revised plan from the plan presented in the DEIS. The Applicant is unwilling to prepare speculative plans which the Applicant believes would be non-viable.

A-47 Comment

1)The developer in question knew exactly what this property was zoned for upon purchasing it from IBM

2) The Board should maintain the current zoning and stop catering to the whims and hedging of speculative developers.

3) The Board must Represent the voters of this town who have clearly spoken out against this rezoning...not the out of town developer.

(Russell Alonzo - August 19, 2019)

A-47 Response:

Comment noted.

A-48 Comment:

A townhouse development under the R-MF zone rather than the R- MF-A zone will allow for greater preservation of the existing open space. Furthermore, a development configured as a Conservation Subdivision in a R-MF zone as outlined in Town Code Section 355-31 will provide even more open space preservation. Please describe how such a development will look.

(Town of North Castle Open Space Committee - August 9, 2019)

A-48 Response:

The FEIS Plan presents a significantly modified development plan. Rezoning the southern portion of the Site to R-MF-A is no longer proposed. Instead, the Proposed Action calls for applying the R-MF-SCH Multi-Family Senior Housing floating zone to the southern portion of the Site. Other than building height, the specific dimensional regulations for the RMF-SCH district are, pursuant to §355-21 - “to be determined by the Town Board at the time of zoning approval.” Similarly, pursuant to §355-3, the type and arrangement of buildings within a Conservation Subdivision shall be “at the discretion of the Planning Board.”

Under either zoning approach, the Town has the discretion to arrange and configure the proposed townhouses in a manner the preserves open space to the maximum extent. The FEIS Plan achieves this goal by significantly compressing the footprint of the townhouse development, attaching dwelling so the 50 dwelling units are arranged in 25 buildings, units, minimizing setbacks between buildings and tightly clustering the units around a central looped roadway oval. In total, the

FEIS Plan will result in the creation of approximately 7.8 acres of buildings, roads, parking areas and other impervious surfaces, leaving 24.7 acres (76%) of the Site as open space.

Chapter IV.B

Geology & Soils

IV. B. Topography & Soils

No Comments.

Chapter IV.C

Topography & Slopes

IV. C. TOPOGRAPHY & SLOPES

C-1 Comment:

Earthwork. The DEIS indicates that 51,400 cubic yards of material is proposed to be exported from the site. Utilizing a 16-yard dump truck, 3,312 truckloads of material would need to be exported from the site. The proposed amount of truck trips is excessive. The Applicant should investigate whether there is a way to better balance earthwork for the project.

(Town of North Castle Planning Department - July 8, 2019)

C-1 Response:

The FEIS Plan presents a significant revision to the proposed development by shifting virtually all of the development to the southern half of the Site, thereby preserving most of the rugged topography on the northern portion of the Site. The plan presented in the DEIS involved disturbing approximately 26.5 acres or 81.5% of the Site, including 4.3 acres of designated steep slopes in excess of 25%. Most significantly, approximately 51,400 cubic yards of cut material would have needed to be removed from the Site.

The FEIS plan drastically reduces the site disturbance impacts. The FEIS Plan would disturb approximately 19.1 acres or 58.7% of the Site (a reduction of 7.4 acres of disturbance) and encroach into 1.7 acres of steep slopes in excess of 25% (a reduction of 2.6 acres). A Steep Slope Permit from the Planning Board is required for this disturbance. Only approximately 2,555 cubic yards of excavation is now required (an extremely large reduction of 48,845 cubic yards or 95%). It is acknowledged that some of the required excavation may involve rock removal.

While some of the 2,555 cubic yards of excavated materials may be processed on-site and reused as fill, for the purposes of this analysis, it is assumed that all 2,555 cubic yards would be exported. Utilizing haul trucks with a 16 cubic yard capacity, approximately 160 truck trips would be required to remove this excess material, a 95% reduction in truck trips, which will be exported in accordance with all applicable regulations to a suitable location(s). The 160 truck trips required to facilitate the FEIS Plan compares favorably to the 3,312 truck trips required for the

plan presented in the DEIS, which has been abandoned. It is projected that the build-out of the Proposed Action will extend over a two-year period, and that material will be exported as the project progresses over the course of that time. This translates into less than one truck trip per week, compared to 34 trips per week for the previous plan.

C-2 Comment:

There's discussion in here about how much traffic will be generated in terms of the removal of excess material. And this is on page Roman numeral II-11 in the Executive Summary. And I worry a lot more about the permanent/long-term effects of how this fits in than I do over the construction. But we're talking about a massive disruption here. And it discusses approximately 3312 truck shifts would be required to remove this excess material. I did a quick calculation. I don't know exactly how many garbage trucks Suburban Carting uses in town, but they are here, I believe, five days a week, and I'm guessing it's two or three trucks. If we assume three trucks, and they are big garbage trucks, and that means 15 a week, 52 weeks, that would generate 780 trips throughout town in a year. That's very noticeable. And you're going to have roughly four times that, according to this, coming out of this one site. And it's going to be going back and forth, I believe. So that to me is astonishing, a very, very large number.

(Councilman Berra, Public Hearing - June 26, 2019)

C-2 Response:

See response C-1.

C-3 Comment:

Again, this is the Executive Summary and you go into more detail, but on that same page, four bullet points up, it discusses minimizing impervious surfaces. It's 10.4 acres. Maybe you could be worse, but given how much you're moving, all the disruption going on, all the tons, all the truck trips, and impervious surface, that's dramatically changing a place that has a lot of steep slopes, which is a troublesome thing.

(Councilman Berra, Public Hearing - June 26, 2019)

C-3 Response:

The amount of impervious surface in the FEIS Plan is 7.8 acres (24%), or 2.6 acres less than the 10.4 acres (32%) required for the plan presented in the DEIS. See also response C-1.

C-4 Comment

On page Roman numeral II 12, there's discussion about the substantial rock cutting, and I guess I'd like this -- a more studied analysis as to the amount of noise that would be made by that, just the notion is that this will be used for fill, and it's going to be crushed. That, to me, sounds like it will be a very noisy operation.

(Councilman Berra, Public Hearing - July 10, 2019)

C-4 Response:

The FEIS plan drastically reduces the site disturbance impacts, which will in turn significantly reduce the amount of rock removal required. The FEIS Plan would disturb approximately 19.1 acres or 58.7% of the Site (a reduction of 7.4 acres of disturbance) and encroach into 1.7 acres of steep slopes in excess of 25% (a reduction of 2.6 acres). Only approximately 2,555 cubic yards of excavation is now required (an extremely large reduction of 48,845 cubic yards or 95%).

Although it is anticipated that some bedrock situated near the Site's surface can be removed by mechanical means (i.e. chipping and ripping), blasting would be required in areas where the estimated material cut is greater than four feet in depth.

Blasting would be undertaken in accordance with a Blasting Protocol developed for this project, and the Town of North Castle Code, Chapter 122 Blasting & Explosives. This Protocol would meet all New York State and Town of North Castle requirements for blasting.

It has not yet been determined if rock crushing would take place on site. If so, all rock crushing operations would conform to Chapter 210 of the Town Code - Noise.

C-5 Comment

The engineer should look at alternative ways to mitigate the 3,300 trucks that they project would have to take rock and earth off this site. It is evidence that the project is too large and causing too many impacts. You should also look at blasting impacts as the entire site is rock.

(Michael E. Fareri - August 19, 2019)

C-5 Response:

See response C-1.

C-6 Comment

The discussion regarding potential impacts to slopes and the Slope Impacts Table IV.C-2 should be expanded to express disturbed slopes as a percentage of total area for each slope category. The Table should include the total area and impact area for each category as an area (acres) and percentage.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

C-6 Response:

Slope impacts are presented in Table IV.C-2:

Table IV.C-1 FEIS Plan - Slope Disturbances				
Slope Category	Site Area	Percent Area	Disturbed Area	Percent Disturbed Area
0 – 15%	16.8 acres	51.7%	13.5 acres	41.5%
15% - 25%	7.6 acres	23.4%	3.9 acres	12.0%
25% - 35%	3.6 acres	11.1%	1.1 acres	3.4%
> 35%	4.5 acres	13.8%	0.6 acres	1.8%
	32.5 acres	100%	19.1 acres	58.7%

C-7 Comment

The preliminary cut/fill analysis results in an estimated total of 51,400 cubic yards of material to be exported for the development of the site. To better understand how materials (surplus and import) will be managed throughout development, the cut/fill analysis should be provided for each phase. In this way,

a discussion of how any required import or export of material or temporary stockpiling of surplus material will be managed and located.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

C-7 Response:

The FEIS Plan results in a 95% reduction in the amount of required excavation, from 51,400 cubic yards in the plan presented in the DEIS, to 2,555 cubic yards in the FEIS Plan. Refer to Project Phasing Plans (I-11 – I-16) which depict stockpile locations.

C-8 Comment

The Slopes Analysis legend on the Areas of Disturbance on Steep Slopes and Soils, Figure IV.C-4, should be coordinated with the data include in Table IV.C-2 - Slope Impacts as expanded, as requested in Comment No. 1.a above.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

C-8 Response:

See Grading Plan, Figure I-4 and response C-5.

C-9 Comment

As illustrated and tabulated on the Cut & Fill Map, Figure IV.C-5, it appears that a large portion of the development appears to require cuts of up to 10 feet. Consideration should be given to adjusting road profiles, building layout and site grading to minimize these cuts, thereby providing a more balanced site.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

C-9 Response:

The FEIS Plan represents a major revision to the proposed development of the Site and a significant reduction in site impacts. The FEIS Plan would disturb approximately 19.1 acres or 58.7% of the Site (a reduction of 7.4 acres of disturbance) and encroach into 1.7 acres of steep slopes in excess of 25% (a reduction of 2.6 acres. or 58%). Only approximately 2,5556 cubic yards of excavation is now required (an extremely large reduction of 48,845 cubic yards or 94%).

C-10 Comment

The application includes a Conceptual Grading Plan for the project. A more detailed plan with roadway profiles and cross sections shall be required as the project progresses and the review focuses on more specific details.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

C-10 Response:

A revised Conceptual Grading Plan has been included (Figure I-4) reflecting the FEIS Plan. A more detailed grading plan with roadway profiles and cross sections will be submitted with the site plan.

C-11 Comment

The conceptual grading appears to be well thought out across much of the project. Townhouse units step up or down across the site working with the natural topography in an effort to manage cuts and fills. The project, however, will require the excavation of 113,549 c.y. of earth and rock and the filling of 62,149 c.y. Much of this earthwork is centered around the portion of the site at townhouse units 1-10, 59-62 and 89-94, the southeast corner of the hotel, as well as the hillside where the two (2) large stormwater basins have been proposed. We refer to this portion of the site as the congested area, an area where sufficient area is not available to fit the number of units proposed because of the topography. It also appears that the stormwater basins were located within this area because the area was available, not because it's an ideal location for the basins. The sloping hillside requires significant excavation on the uphill side of the basin and significant fills on the downhill side to create the storage necessary to mitigate the project runoff.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

C-11 Response:

See response C-1.

C-12 Comment

As commented under stormwater, we would suggest the applicant take advantage of the deep, well-drained soils on the site by introducing additional

infiltration practices into the stormwater mitigation design. We would also suggest utilizing smaller basins about the site at the source of the runoff. Perhaps, a reexamination of the central area could result in a significant reduction of disturbance, cuts and fills.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

C-12 Response:

The major revision to the development of the Site reflected in the FEIS Plan has resulted in a redesigned stormwater management. A revised SWPPP is included in the Appendix

C-13 Comment:

Describe steep slope permits required in North Castle based upon steep slopes analysis as required by Section 355-18 (Steep Slopes) of the Code of the Town of North Castle.

(Town of North Castle Open Space Committee - August 9, 2019)

C-13 Response:

The approval required pursuant to Section 355-18 is as follows:

“Approval required. In any zoning district, no steep slope area, as defined herein, hilltop or ridgeline shall be disturbed in any manner, except as may be necessary to protect life or property in the event of an emergency, unless a disturbance permit shall have been granted by the Building Department or unless such disturbance permit is granted by the Planning Board pursuant to a request by the Residential Project Review Committee (RPRC) or an approved site plan, special permit, subdivision or variance. In connection with an application for such a permit, or in connection with any application for a building permit, site plan, subdivision, special use permit or variance, the applicant shall submit information indicating the location of any areas of steep slope on the subject property and any hilltop or ridgeline which is visible from any public street or other public property. The approval authority shall not grant the necessary permit or approval if there is another alternative which, in the sole opinion of the approval

authority, is reasonable and practical and would help to preserve the steep slope, hilltop or ridgeline. If, however, the approval authority determines that some disturbance of such feature is necessary or appropriate, said authority may permit such disturbance, provided that the nature and extent of the disturbance is limited to the minimum amount practicable, consistent with the legislative intent of this section, and further provided that appropriate design and engineering techniques are employed which serve to minimize any potential environmental impacts. Any existing development which is located on a steep slope, hilltop or ridgeline is hereby determined to be conforming and to have the required permit, provided it is otherwise lawfully in existence on the effective date of this section.”

A Steep Slope Permit from the Planning Board is required for this disturbance.

C-14 Comment:

Please explain how the planned location and height of the hotel comply with the Town Code’s intent to protect important scenic vistas (§ 355-18). Also please explain why the hotel location and height should be allowed if the Town Code states that “The approval authority shall not grant the necessary permit or approval if there is another alternative which, in the sole opinion of the approval authority, is reasonable and practical and would help to preserve the steep slope, hilltop or ridgeline.” Please show another alternative that would eliminate the hotel’s visibility from the street and would eliminate the need for a steep slope disturbance permit.

(Town of North Castle Open Space Committee - August 9, 2019)

C-14 Response:

The Eagle Ridge development, as suggested by its name, is located on a ridge. As a consequence, some steep slope and ridge line impacts are inevitable if the Site is to be developed in any manner, including an as-of-right development. Nevertheless, in response to concerns about steep slope and ridge line impacts, among other factors, under the revised FEIS Plan, the development of the Site has been significantly modified. In addition to lowering the height of the proposed

buildings, development has been shifted to the southern portion of the Site, reducing or eliminating views of Eagle Ridge from Community Park and Route 22, and reducing steep slope impacts by more than half, from 4.3 acres to 1.8 acres.

Chapter IV.D

Vegetation & Wildlife

IV. D. VEGETATION & WILDLIFE

D-1 Comment:

Climate Change. 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. As part of this discussion, the Applicant should address whether rooftop mounted solar will be proposed as part of the Proposed Action.

(Town of North Castle Planning Department - July 8, 2019)

D-1 Response:

The Applicant is committed to incorporating various green building measures into the development, including:

- Energy star windows & appliances
- Additional wall & roof insulation
- Preservation of and access to open space
- Led lights
- Efficient irrigation and water reuse
- Rain barrels
- A subsurface parking garage, which reduces surface paving and the heat-island effect
- Water-conserving fixtures
- Leak and water metering
- Low / no VOC paints, coatings and primers
- Composite wood products that emit low / no formaldehyde
- Environmentally preferable flooring
- Green roof and green walls
- Management and recycling of construction waste management
- Recycling storage
- Mold prevention: water heaters
- Radon mitigation
- Integrated Pest Management

- Active design: promoting physical activity within the building
- Staircases and building circulation
- Interior and outdoor activity spaces for children and adults
- Smoke-free building

Additionally, the Applicant is evaluating the feasibility of employing a green roof or roof top solar panels on both the hotel and multi-family condominium buildings.

D-2 Comment:

Forest Disturbance. The most sensitive upland cover type on the Site is the oak-tulip tree forest ecological community, which remains largely in-tact and survived the Site's prior agricultural activities. According to the New York State Natural Heritage Database, the oak-tulip tree forest is secure globally; however, it is very vulnerable in New York State with between 6 to 100 occurrences within its fairly limited range, which includes the northern half of Long Island in the Coastal Lowlands ecozone, in the Manhattan Hills, Hudson Highlands and Triassic Lowlands ecozones. The Applicant should prepare an exhibit that graphically depicts the existing oak-tulip forest and graphically depicts the proposed disturbance to the oak-tulip forest. Additionally, the exhibit should quantify the total size of the forest oak-tulip forest on site in acres and quantify the proposed amount of oak-tulip forest removal in acres. Given the sensitive nature of the oak- tulip forest, the Lead Agency should give consideration to investigating changes to the plan that can reduce the impact on the forest to the maximum extent practicable.

(Town of North Castle Planning Department - July 8, 2019)

D-2 Response:

According to the New York State Natural Heritage Database, and as documented in the DEIS, the oak-tulip tree forest ecological community identified on the Site is classified as “secure globally” but is “vulnerable” in New York State simply because Westchester County represents the northern edge of its range. According to the New Jersey Department of Environmental Protection, New Jersey Forest Service, climate change is “improving” this edge vulnerability, as the

range of southern species extends northward due to warmer temperatures. In fact, the oak-tulip tree forest ecological community relatively common within the Manhattan Hills and Hudson Highlands Ecozones.

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

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

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

The modification to the development of the Site as reflected in the DEIS Plan results in significantly less site disturbance. The plan presented in the DEIS involved disturbing approximately 26.5 acres of the 32.5 acres Site (81.5%), and constructing 10.4 acres of buildings, roads, parking lots and other impervious surfaces, leaving 22.1 acres (68%) of open space on the Site upon completion of the development.

By way of comparison, the modified FEIS Plan disturbs approximately 19.1 acres of the 32.5 acres Site (58.7%), and calls for constructing 7.8 acres of buildings, roads, parking lots and other impervious surfaces, leaving 24.7 acres (76%) of open space on the Site upon completion of the development.

Under the plan presented in the DEIS approximately 5.3 acres of the 9.2-acre area classified as oak-tulip tree forest ecological community would have been disturbed. Under the FEIS Plan, the area to be disturbed would be reduced to

under an acre resulting from grading for the stormwater basins and the corner of the condominium building. As documented on the historical aerial photographs included in the DEIS, this area was previously cleared and part of the prior agricultural and orchard use. As this area to be disturbed is separated from the larger, in-tact oak-tulip tree forest ecological community which extends to the south by the on-site wetland area, and was previously cleared, the integrity of the oak-tulip tree forest ecological community in this area is marginal, at best.

The Lead Agency will need to determine whether any impact to the “vulnerable” oak-tulip forest is acceptable.

An extensive landscaping plan is proposed (Figure I-9) to mitigate the relatively minor loss of this ecological community.

D-3 Comment:

Ecological Communities. An additional exhibit after Figure IV.D-2 that depicts the Site Ecological Communities overlaid with the Proposed Action would be helpful to better understand proposed impacts to site ecological communities. (Town of North Castle Planning Department - July 8, 2019)

D-3 Response:

Refer to Figure IV.D-1 – FEIS Plan/Ecological Community Overlay Map.

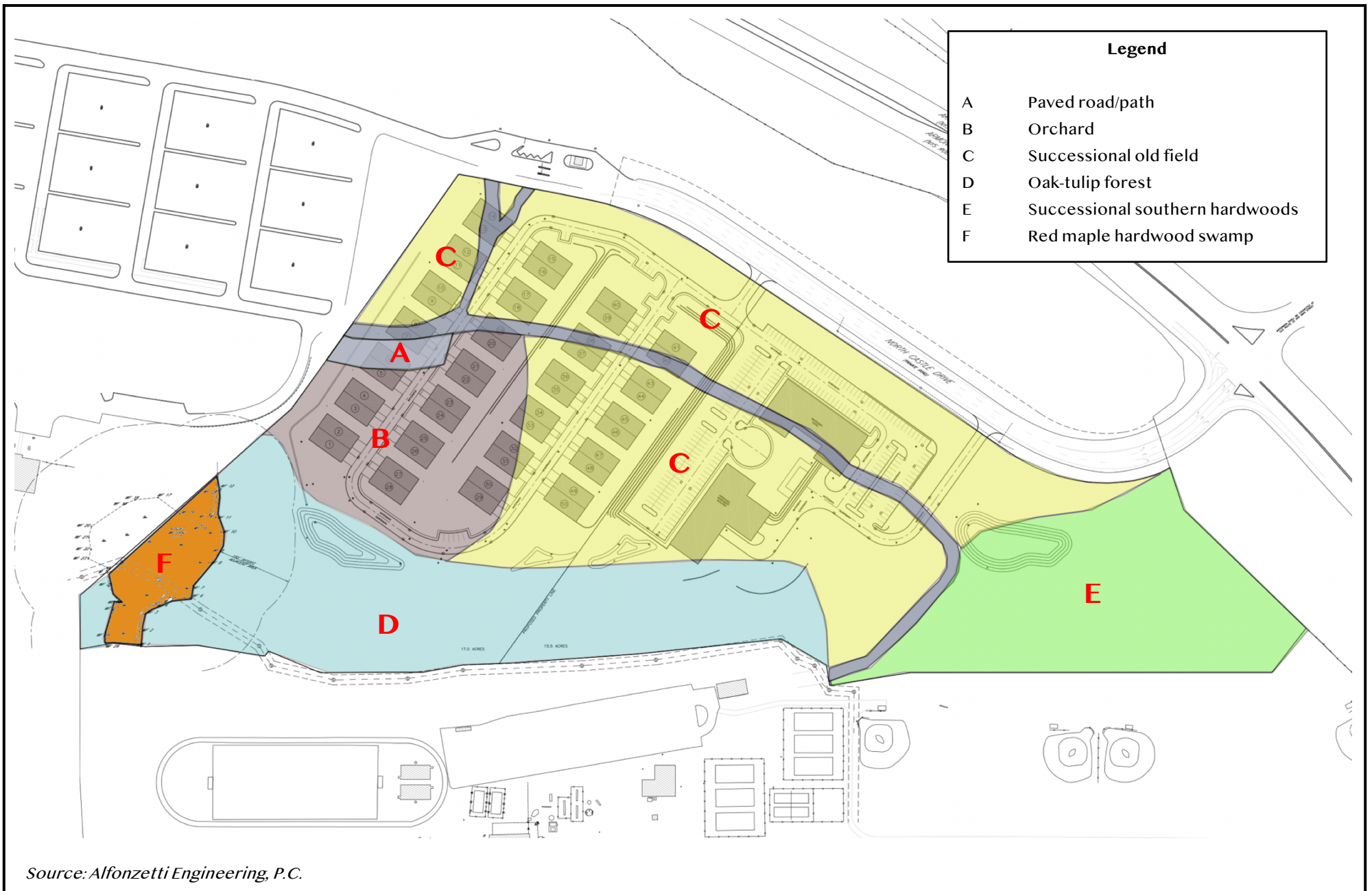
D-4 Comment

but the last full paragraph at the bottom of the page refers to comparably minor decreases in some wildlife populations. To the extent that's not fleshed out, I'd like to understand that better.

(Councilman Berra, Public Hearing - June 26, 2019)

D-4 Response:

As documented in the DEIS, the wildlife inhabiting the Site are those species typically found in the suburban areas of central Westchester County. No rare, threatened or endangered species of wildlife are present. During the period of construction, approximately 19.1 acres (58.7%) of the Site would be disturbed



Ecological Community - FEIS Plan Overlay



Figure
IV.D -1

Scale:
0' 80' 160'



resulting in the displacement of resident species. The majority of these species are mobile, and will relocate to adjacent contiguous areas of similar habitat.

The consequence of this displacement and emigration will be increased competition for resources within the adjacent habitats. As noted in the DEIS, this will likely result in comparatively minor decreases in some wildlife populations until equilibrium between populations and available resources is achieved. The extent of these decreases will depend on a number of factors, including construction phasing, seasonality, species life-cycle, short-term weather conditions, etc.

The Proposed Action preserves the on-site wetland and surrounding wetland buffer which is prime habitat for many wildlife species, and upon completion of the Proposed Action, will establish 24.6 acres of open space (76% of the Site), including approximately 16 acres of contiguous, unfragmented open space stretching along the entire eastern side of the Site. The Landscaping Plan prepared to support the Project involves the reintroduction of new vegetation that will restore areas of the Site and also serve as new habitat for certain species. It is therefore likely that all of the species and many of the individuals that were displaced during the construction phase of the Project, will re-inhabit the Site after the completion of construction.

D-5 Comment:

*The other thing is, the thing that they provided here, too, was, you know, all the trees that -- they are full. It's like outside now. But you know, come October all the way through until April, you know, it's all going to be kind of bare.
(Mr. Woodyard, Public Hearing - June 26, 2019)*

D-5 Response:

The FEIS Plan has relocated all of the development to the southern portion of the Site, away from the ballfields on Recreation Park and Route 22, where the existing vegetation will remain intact and be supplemented by new landscaping.

D-6 Comment

In terms of the trees, in the appendix there's a tree inventory that assessed the condition of the trees. And a good many of them, more than half, would be cut down, existing trees. There's an assessment there that says a lot of them are poor or fair condition. And what I'd like to understand there is how that assessment was made, who made it, and what the impact is of just leaving those trees there, keeping in mind what you're saying what the baseline is. Obviously some trees would come down. But in my understanding of it is that, So fine, you have trees that are fair or poor condition, but that's kind of the natural order of things in woods, and as they die off, then other trees pop up. So I'd like to understand the impact of that.

(Councilman Berra, Public Hearing - July 10, 2019)

D-7 Response:

The tree survey was conducted by licensed landscape architects from the office of IQ Landscape Architects PC. The FEIS Plan requires the removal of approximately 658 trees of the 1,524 trees present on the Site in excess of 8" dbh. This is 192 less than the 850 required to be removed under the previous plan presented in the DEIS. Of the trees that would be removed from the Site, few predate the previous orchard use. The balance were planted or have grown as pioneering species after the 1960's, including many invasive species.

D-8 Comment

The DEIS states that 26 of 32 acres will be disturbed, 4.3 are steep slope, and only 3.9 will remain undisturbed. The DEIS lists pages of descriptions and pictures of plants (coneflower, joe pye grass, switchgrass, black eyed susans, aster, goldenrod, etc) and trees (elm, sugar maple, red oak, dogwood, willow, sycamore, etc). It sounds like a botanical garden until it states that 850 trees will be removed and almost 1/3 of the project (10.4 acres) will be impervious surfaces. Not surprising, after two years of blasting and construction it is "the applicant's opinion" that no significant wildlife impact" would result. By the developer's own self-reporting "As a result, the Proposed Action will result in the permanent elimination of approximately 26.5 (of 32) acres of existing open space."

(Jim Byrne - Undated, 2019)

D-8 Response:

The FEIS Plan will disturb approximately 19.1 acres of the 32.5-acre Site (58.7%). This is 7.4 acres less than the 26.5 acres that would have been disturbed under the prior plan presented in the DEIS. Of this disturbance, 7.8 acres will be devoted to buildings, driveways, walkways and other paved surfaces, compared to the 10.4 acres resulting from the plan presented in the DEIS. Approximately 1.7 acres of the disturbed area include designated steep slopes in excess of 25%, compared to 4.3 acres in the plan presented in the DEIS (a reduction of 2.6 acres of steep slope disturbance). The FEIS Plan requires the removal of approximately 658 trees of the 1,524 trees present on the Site in excess of 8" dbh. This is 192 less than the 850 required to be removed under the previous plan presented in the DEIS.

D-9 Comment:

The DEIS fails to address that the "successional old field" ecological community is vital habitat for many of the bird species that inhabit the site and are endangered or threatened. For example, two ground nesting birds reliant on this habitat are the Eastern Meadowlark and the Bobolink. Both of these birds are classified as "Threatened" on the Westchester County Endangered Species List. (Town of North Castle Open Space Committee - August 9, 2019)

D-9 Response:

The successional old field ecological community on the Site does not support the habitat characteristics that are specific to these two species. And no physical evidence of either species was observed during numerous Site reconnaissance visits.

Specifically, Eastern Meadowlarks feed and nest in native grasslands, pastures, and savannas, hay and alfalfa fields, roadsides, golf courses, and shrubby overgrown fields. They prefer dense graminoid cover.¹

¹ Hull 2001, DeGraaf and Rappole 1995, Lanyon 1995.

Bobolink habitat consists of grassy hayfields and pastures, clover/alfalfa hayfields, wet prairies, and the grassy margins of marshes. Fallow fields composed of grasses and weeds also provide suitable nesting habitats. Bobolinks are called ricebirds in the South where they eat large quantities of this grain²

D-10 Comment:

The DEIS fails to address that the oak-tulip tree forest is vital habitat for many of the bird species that inhabit the site and are endangered or threatened. For example, two birds reliant on this habitat are the Black-billed Cuckoo and the Wood Thrush. Both of these birds are identified in DEIS Appendix K, p. 4 as Birds of Conservation Concern.

(Town of North Castle Open Space Committee - August 9, 2019)

D-10 Response:

Under the FEIS Plan, virtually all of the oak-tulip tree forest ecological community will remain intact. See response D-2.

D-11A Comment:

The DEIS makes two passing mentions of on-site observations, but provides no specific information about these on-site observations. Please provide the identity and credentials of the parties who performed the on-site observations, the dates of these observations, the purpose of these field visits, as well as copies of the data collected during these field visits.

(Town of North Castle Open Space Committee - August 9, 2019)

D-11A Response:

Field observations were undertaken by representatives from J. Fain & Associates, LLC, Environmental Consulting Services in December of 2017, and IQ Landscape Architects, PC and Cleary Consulting during the summer of 2018. Field data is included in the Appendix.

² Audubon Guide to North American Birds

D-11 Comment:

The DEIS fails to address that “successional southern hardwoods” is vital habitat for many of the bird species that inhabit the site and are endangered or threatened.

(Town of North Castle Open Space Committee - August 9, 2019)

D-11 Response:

A full discussion of the existing conditions and potential impacts to the successional southern hardwood ecological community is included in Chapter IV.D of the DEIS.

D-12 Comment:

For all ecological communities identified on site please provide site- specific analysis of resident and migratory wildlife, including amphibian, reptile, mammal and bird species found in each ecological community. The assessment must be conducted by qualified experts, and should examine habitat functions (i.e., breeding habitat, transitional, staging areas, feeding and roosting sites and travel lanes), and also address mitigation measures for maximum reduction of impacting these species during site construction.

(Town of North Castle Open Space Committee - August 9, 2019)

D-12 Response:

The inventory and assessment of on-site ecological communities was conducted in full conformance with the Scoping Document adopted by the Town Board serving as Lead Agency.

D-13 Comment:

DEIS does not accurately describe the complete destruction of habitat and the large loss of life that will occur, especially if construction is done during the breeding season. Applicant needs to accurately detail the likely impacts, as well as identify mitigation measures for maximum reduction of impact.

(Town of North Castle Open Space Committee - August 9, 2019)

D-13 Response:

The Proposed Action does not involve the “complete destruction of habitat,” and potential impacts and proposed mitigation measures have been fully described in the DEIS and FEIS.

D-14 Comment:

Please provide the complete Westchester County Endangered Species List. The one included in Appendix K is missing the two pages that list the Insects, Amphibians, Reptiles, and the majority of the Birds.

(Town of North Castle Open Space Committee - August 9, 2019).

D-14 Response:

The Westchester County Endangered Species List is included in the Appendix.

D-15 Comment:

The Migratory Bird Treaty Act of 1918 makes it unlawful to wound or kill any migratory bird, or destroy their nests or eggs unless authorized under a permit issued by the Secretary of the Interior. A complete list of the birds covered by this act can be found at <https://www.fws.gov/birds/management/managed-species/migratory-bird-treaty-act-protected-species.php#alphabetical>. A quick glance at this list shows at least 40 birds that call the Project Site home, among them the Eastern Bluebird (the state bird of NY), the Northern Cardinal, the Northern Flicker, the American Goldfinch, and the Red-tailed Hawk (which was observed at the project site during the site walk by the Open Space Committee). (Town of North Castle Open Space Committee - August 9, 2019)

D-15 Response:

According to the New York State Department of Environmental Conservation, Natural Heritage Program and the United States Fish & Wildlife Service, iPac databases, as well as direct consultations with both agencies, there are no records of any rare, threatened or endangered species, on the Site or in the immediate vicinity. The Site contains no unique habitat that would be particularly attractive to migratory species, unlike, for example, the Kensico Reservoir or Rye Lake located a short distance to the west of the Site.

D-16 Comment:

The Eagle Act defines "take" as including wound, kill, molest or disturb. Disturb means: "to agitate or bother ...to a degree that causes, or is likely to cause... injury to an eagle, a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." This definition also covers impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagle's return, such alterations agitate or bother an eagle to a degree that interferes with or interrupts normal breeding, feeding or sheltering habits, and causes injury, death or nest abandonment. A violation of The Bald and Golden Eagle Protection Act can result in a fine of \$100,000 (\$200,000 for organizations) and imprisonment for one year for a first offense. Penalties increase substantially for additional offenses, and a second violation of this Act is a felony.

(Town of North Castle Open Space Committee - August 9, 2019)

D-16 Response:

Comment noted.

D-17 Comment:

Because Bald Eagles have been observed roosting in the trees along Route 22, less than 1/4 mile from the Project Site, and because Applicant's Appendix K p. 4 states that the Bald Eagle either occurs on the Project Site or warrants special attention because of the project location, the Open Space Committee has contacted the United States Fish and Wildlife Field Office located in Cortlandt, NY that Applicant provides in Appendix K. The Field Office has referred us to the Eagle Coordinator for the Northeast Region US Fish and Wildlife Division of Migratory Birds. We have requested his review of and input on the proposed development.

(Town of North Castle Open Space Committee - August 9, 2019)

D-17 Response:

Comment noted. Bald eagle nest site are large and conspicuous, and none are located on the Site.

D-18 Comment:

Appendix K (p.3) references measures for avoiding and minimizing impacts to birds at <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>. Please discuss and detail how these assessment tools and guidances have been utilized. Outline in detail the conservation measures that will be undertaken to protect the migratory birds as well as the Bald Eagles that inhabit or use the project site.

(Town of North Castle Open Space Committee - August 9, 2019)

D-18 Response:

No evidence exists that migratory birds inhabit or use this Site. However, the primary method to mitigate impacts is to protect habitat areas. The FEIS Plan will disturb approximately 19.1 acres of the 32.5-acre Site (58.7%). This is 7.4 acres less than the 26.5 acres that would have been disturbed under the prior plan presented in the DEIS. Upon completion of the development approximately 24.7 acres will be preserved as open space, including approximately 16 acres of the unfragmented eastern side of the Site alongside Recreation Park.

D-19 Comment:

DEIS Executive Summary, Page II-13: "Displaced species are expected to relocate to adjacent contiguous areas of similar habitat." This comment is inaccurate and misleading. In many parts of this project site, once the habitat is destroyed, there simply is no "adjacent contiguous areas of similar habitat." Applicant must correct this statement and accurately detail the likely impacts, as well as identify mitigation measures for maximum reduction of impact.

(Town of North Castle Open Space Committee - August 9, 2019)

D-19 Response:

The FEIS Plan impacts far less of the Site than did the plan presented in the DEIS, and 13.4 acres of the Site (41.2%) will remain undisturbed, allowing for temporary

relocation of species from the disturbed portions of the Site. Moreover, the Site is surrounded by landscapes that share similar ecological characteristics, including large portions of the IBM Campus, Community Park, Nichols Preserve, Tamarack County Club, all of which are easily accessible and offer temporary refuge for displaced wildlife.

D-20 Comment:

The DEIS does not address preservation and creation of wildlife corridors. Please identify current wildlife corridors on the property and adjacent properties. Please address how these corridors can be preserved and how new ones can be created.

(Town of North Castle Open Space Committee - August 9, 2019)

D-20 Response:

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

D-21 Comment:

According to the New York Natural Heritage Program, there are less than one hundred occurrences of oak-tulip tree forests statewide. Applicant should provide an alternative plan so that none of this forest on the project site is disturbed.

(Town of North Castle Open Space Committee - August 9, 2019)

D-21 Response:

See response D-2.

D-22 Comment:

Applicant's opinion that there will be "no significant adverse impacts" is neither persuasive nor determinative. Qualified naturalists and arborists must be retained to study the area and the proposed development. These experts should submit an analysis of impacts to vegetation and wildlife.

(Town of North Castle Open Space Committee - August 9, 2019)

D-22 Response:

The DEIS was accepted as complete by the Town Board serving as Lead Agency, which indicated that the analyses conducted in the DEIS conformed to the requirements of the Scoping Document. The Applicant's opinion requires no qualification, and it is the role of the Lead Agency to render a determination regarding the potential adverse impacts of the Proposed Action. Refer to Response D-11A.

D-23 Comment:

To compensate for the loss of vegetation, a new Landscaping Plan is proposed (Figure IV.D-4). Most of the wildlife species that will be displaced as a result of construction related activities are highly tolerant of proximity to humans, and upon completion of the project are expected to re-inhabit the newly landscaped portions of the Site.” Applicant’s statement is not accurate and misleading. Wildlife species that live, nest and feed in an oak-tulip tree forest are not going to re- inhabit newly landscaped portions of the site that provide a completely different habitat. Species dependent on a specific habitat cannot simply re-adjust to a new habitat that does not provide the same cover, food, and nesting requirements. Qualified naturalists and arborists must be retained to advise what mitigation measures will be the most effective. Applicant must make more accurate statements regarding the impact of the proposed disturbance on the vegetation and wildlife.

(Town of North Castle Open Space Committee - August 9, 2019)

D-23 Response:

See responses D-2, D-4 and D-8.

D-24 Comment:

Please address the indirect impacts (construction related and long term) on the wetland, wetland buffer, including impact on wildlife habitat as required by the Scoping Document. Please address impact, avoidance and containment.

(Town of North Castle Open Space Committee - August 9, 2019)

D-24 Response:

No direct or indirect impacts to the wetland or wetland buffer will result from the FEIS Plan.

Chapter IV.E

Wetlands

IV. E. WETLANDS

E-1 Comment

While locally-regulated wetlands are present on the subject site, the DEIS states that no impacts to these freshwater wetlands will result from this project. The applicant has flagged the wetland boundaries. We would suggest that the applicant's Wetland Consultant contact our office to schedule a site walk for verification by the Town Wetland Consultant. Should there be any discrepancies in the limits of the wetland boundary and associated wetland buffer, as shown, or additional wetland areas discovered, either of which encroach into the proposed development, the DEIS will require revisions, as necessary, to address the potential impacts and any necessary mitigation.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

E-1 Response:

The Eagle Ridge wetland consultant, Jay Fain, met with Brian Hildebrand and conducted a site walk on September 5, 2019. At that meeting, Mr. Hildebrand verified the wetlands that had previously been flagged by Mr. Fain. There were no discrepancies in the limits of the wetland boundary and associated wetland buffer nor were any additional wetlands discovered.

E-2 Comment

The wetland buffer illustrated on Figure IV.E-2, Locally Regulated Wetland, shall be revised to comply with Chapter 340: Wetland and Watercourse Protection of the Town Code, which defines a wetland buffer as the area extending 100 feet horizontally away from and paralleling the outermost wetland boundary or bank of the watercourse or if, within such buffer area, there is an area of slope in excess of 25%, the buffer area shall be expanded to include the lesser of either 150 feet or the entirety of the area of 25% or greater slope which drains down toward the wetland, water body or watercourse.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

E-2 Response:

The wetland boundary has been increased to 150 feet.

E-3 Comment

The current proposal appears to include minor disturbances within the 150-foot expanded wetland buffer; specifically, as it relates to grading associated with Units 22-27 and the construction of Infiltration System No. 4. This should be verified and adjusted, as necessary. The disturbances shall be removed from the buffer or a Wetland Mitigation Plan prepared to demonstrate compliance with the mitigation policy which requires mitigation to unavoidable disturbances to wetlands and wetland buffers at a ratio of 2:1.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

E-3 Response:

Under the FEIS Plan, there are no longer any encroachments into the wetland buffer.

Chapter IV.F

Stormwater Management

IV. F - STORMWATER MANAGEMENT**F-1 Comment**

It is noted that the proposed stormwater basins are located in areas of deep cuts and in the vicinity of slopes greater than 15%. The Stormwater Pollution Prevention Plan (SWPPP) must demonstrate that the basin locations comply with the design guidelines presented in the New York State Stormwater Management Design Manual.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-1 Response:

The layout of the proposed development has changed and the location of the stormwater basins has been modified. The basins are considered to be Micropool Extended Detention Ponds (P-1), as per the NYS Stormwater Design Manual, and steep slopes were avoided where possible.

F-2 Comment

Section IV.F of the DEIS shall reference the current edition of the New York State Stormwater Management Design Manual of January 2015. Further, the 6-step Green Infrastructure site planning process adopted by the 2015 Manual shall be implemented in the project's SWPPP.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-2 Response:

The 6-step Green Infrastructure site planning process has been implemented and has been documented in the SWPPP.

F-3 Comment

The New York State Stormwater Management Design Manual provides standards expected for the design of stormwater mitigation practices which will protect the waters of New York State from adverse impact of urban runoff. The manual establishes specifications and criteria for designing such practices. The manual emphasizes the use of green practices, the preservation of natural features, reduction of impervious surfaces and the de-

centralization of practices.***(Joseph M. Cermele, Kellard Sessions - August 15, 2019)*****F-3 Response:**

The layout of the proposed development has changed and as such the stormwater mitigation practices proposed have been revised. Natural features including the wetland, wetland buffer, and steep slope areas have been preserved and left undisturbed. The driveways for the townhouses are proposed to be permeable pavers. Smaller de-centralized practices have been adapted to better fit the Site and provide ease of maintenance. Infiltration practices have been incorporated throughout the Site to decrease surface runoff and to increase infiltration to more closely replicate the existing conditions. In excess of the water quality volume is captured in infiltration practices.

F-4 Comment

The proposed stormwater mitigation practices for the project do incorporate some green practices, including a green roof at the hotel and a few infiltration practices and rain gardens. It does, however, fall short in developing smaller de-centralized practices which treat the runoff at the source. Instead, the project proposes a large centralized treatment basin system within the center of the eastern hillside. As proposed, the basins will require significant land clearing and regrading and locates the basins in extremely difficult locations to access for future, long-term operation and maintenance. The plan should incorporate multiple smaller practices of adequate size and at a location that better fits the site and provides for ease of maintenance.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)**F-4 Response:**

See response F-3.

F-5 Comment

The project site has deep, well-drained soils across much of its upper reaches. We would recommend that the project better utilize these soils by incorporating more infiltration practices and, perhaps, porous pavements into

the design. These stormwater reduction techniques, along with the establishment of habitat areas and reforestation, could significantly reduce the disturbance of the hillside, which would be caused by the centralized approach presently proposed.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-5 Response:

The driveways for the townhouses are proposed to be permeable pavers. The permeable pavers will reduce the surface runoff from the Site. The use of infiltration practices has been increased throughout the Site. The infiltration practices have been sized for in excess of the water quality volume from the impervious surfaces.

F-6 Comment

The entire eastern portion of the project is bordered by the North Castle Community Park. This common boundary is the lowest point of the project site which will receive approximately 95% of the stormwater runoff discharged from the project. Ballfields, playground, tennis courts, parking lot and the park's track are all situated below this common border. While the applicant will be required to mitigate peak rates of runoff to comply with New York State Stormwater Regulations, the project will result in a significantly greater volume of runoff from the project site, which is being mitigated within a number of treatment facilities. Our concern, however, is in regard to the stormwater discharge from these treatment areas and the potential impact such concentrated flows will have on the community's recreation facilities. We would recommend that the applicant further his study to examine how the runoff from the project may impact the Town's adjacent recreation facilities and the Wampus River. Such examination should evaluate the present stormwater systems within the adjacent park and the ability for these existing systems to adequately transport such additional concentrated flows without impact to the park or its various uses. The discussions in the DEIS should be expanded as appropriate.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-6 Response:

The design points tributary to Community Park are design points 1 through design point 5. The proposed peak runoff rates for all storms and for all design points are reduced or maintained as compared to the existing condition peak runoff rates. Runoff from the FEIS Plan is routed through infiltration systems and stormwater basins. In some cases, the outflow from an infiltration system is directed to a stormwater pond and also the outflow from one stormwater pond is directed to another stormwater pond. The overflow from the infiltration systems and the outflow from the ponds has been designed to discharge to a diffuser pipe. The diffuser is proposed to be a 60-foot length of 36" perforated pipe in a gravel trench. The diffuser pipe outlets will ensure sheet flow, increase the time of concentration, and will promote further infiltration. The proposed runoff volume for Design Points 1 through 4 is reduced for all storm events as compared to the runoff volume for the existing condition. At Design Point 5 the proposed runoff volume is reduced for the more frequent 1- and 2-year storm events. There is an increase in runoff volume for the 5 through 100-year storm events. The runoff from the development tributary to Design Point 5 is routed through infiltration practices and stormwater basins. The outflow from the stormwater basin is then discharged through a diffuser pipe and directed overland as sheet flow to the existing wetland. This will allow a large portion of the runoff from the proposed development to be directed to an established conveyance system.

F-7 Comment

It appears that water quality treatment of surface runoff from new lawn areas within the rear of most townhomes is not provided. The SWPPP and discussion within the DEIS should be revised to address this condition. (Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-7 Response:

The runoff from a majority of the new lawn areas is proposed to be captured within infiltration systems and then directed to a stormwater basin. In excess of the water quality volume from these areas will be captured in the infiltration systems.

F-8 Comment

Additional information should be included on the existing and proposed condition Watershed Maps, including the subcatchment areas studied, the curve number (CN) for each area and the Time of Concentration (TC) flowpath. Additionally, Design Point 4 should be shown at a larger scale to help clarify the hydrology in the drainage area.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-8 Response:

The watershed maps have been revised to include the requested information.

F-9 Comment

Table IV.F.6-7 in the SWPPP includes the subcatchment areas 4a-4d for Design Point 4. However, there is no cumulative post-development value for Design Point 4 for comparison to the existing conditions.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-9 Response:

Subcatchment areas have been added throughout the watershed maps. Cumulative post-development peak flows for design Point 4 can be found in the SWPPP.

F-10 Comment

The New York State Department of Environmental Conservation (NYSDEC) verified capacities for the pre-treatment hydrodynamic separators shall be provided to verify they can properly treat the contributing flows.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-10 Response:

All of the proposed hydrodynamic separators meet NYSDEC verified flows. Calculations and verified flows can be found in the appendix of the SWPPP.

F-11 Comment

The DEIS should include more discussion of the green roof system, including plant species and overflow systems.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-11 Response:

Green roofs were removed and replaced with additional infiltration practices and the addition of permeable pavers. The Applicant is reevaluating the possibility of reintroducing green roofs.

F-12 Comment

Question #7 of the Notice of Intent (NOi) should be revised to state the correct post-development flow for the 10-year design storm.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-12 Response:

Question #7 has been adjusted for the correct post-development flow.

F-13 Comment

Question #38 of the NOi should name the developer of the project responsible for the long-term maintenance of the stormwater facilities until other ownership arrangements are made.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-13 Response:

The name of the developer has been added.

F-14 Comment

Deep and percolation soil testings shall be performed by the applicant in all proposed infiltration areas. The testing shall be witnessed by the Town Engineer. If the proposed areas are not suitable for infiltration, other stormwater treatment methods will be necessary.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-14 Response:

Deep and percolation soil testing has been included in the SWPPP. The majority of infiltration areas have been tested or tests are nearby. If additional testing is required, we will conduct the testing as the project progresses.

F-15 Comment

The upper reaches of the project site includes a large, gentler sloping spine where most of the improvements and site disturbance will occur. Below the area to be developed is a steeper sloping hillside, which will not be developed, however, may be significantly impacted by runoff during construction if the upper areas are not properly mitigated and protected. The present plan does provide a level of diversion of runoff and sediment basin construction to protect the hillside, however, we do not believe the present plan is sufficient to adequately address the potential impacts from the project. The applicant should examine the volume of all sediment basins required to assure adequate settling of suspended solids does take place prior to discharge from the project. This will require sizing calculations be provided for all temporary facilities.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-15 Response:

The layout of the proposed development has changed and a separate plan has been developed for each phase. Each phase plan now demonstrates its own erosion control. The proposed sediment basins are sized adequately for each phase and sizing calculations are provided in the SWPPP.

F-16 Comment

In order to limit disturbance areas to no more than five (5) acres at any given time, the applicant proposes to construct the project in six (6) separate phases. The erosion control program should, therefore, be prepared as six (6) separate designs, with consideration given to areas previously completed, as well as areas yet to be developed while maintaining adequate construction access to areas to being developed and vehicle and pedestrian access to those phases that have been completed. Construction of certain townhouse buildings may need to be delayed until the remainder of the project is completed and stabilized prior to

their construction.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

F-16 Response:

The layout of the proposed development has changed and a separate plan has been developed for each phase. Each phase plan now demonstrates its own erosion control, location of construction trailers, equipment storage, employee parking, rock crushing operations and temporary stockpiles.

F-17 Comment

The DEIS Chapter IV.F references that the design was based on procedures set forth in the 2010 NYS Stormwater management Design manual, whereas they should be using the procedures from the 2015 version of the same. The actual SWPPP in Appendix F correctly states that the work will be under the 2015 Permit, but does not indicate which version of the SMDM is being followed.
(Mary McCullough, NYSDOT - August 7, 2019)

F-17 Response:

The SWPPP states that work will be under the 2020 Permit and the 2015 NYS Stormwater Design Manual will be used.

F-18 Comment

The NOI included in Appendix F appears to indicate a significant increase in runoff at the 10yr event, with a reduction in the 100yr event; in fact a proposed 10yr flow exceeds the proposed 100yr flow. My guess is the 10yr proposed flow is a typo.
(Mary McCullough, NYSDOT - August 7, 2019)

F-18 Response:

The NOI has been revised to indicate the correct flows.

F-19 Comment

Since the NYSDOT is concerned with the full runoff from the site into the Wampus River, the models and SWPPP should include this information. Very

easy to model to link together all of the Drainage Areas that leave the site into the Wampus for both the existing and proposed conditions and in fact this appears to be done somewhere because it is/should be what is listed as the outflows for the NOI.

(Mary McCullough, NYSDOT - August 7, 2019)

F-19 Response:

The proposed runoff at every design point from the development has been reduced or maintained at existing condition rates. As a result, the impact on the Wampus River will be correspondingly reduced.

F-20 Comment

Provided the peak flows from the site into the Wampus River are reduced for all flow events in the post construction configuration.

(Mary McCullough, NYSDOT - August 7, 2019)

F-20 Response:

At all design points, the proposed peak flows are reduced or maintained as compared to the existing conditions peak flows for the 1, 2, 5, 10, 25, 50, and 100-year storm events. Therefore, the proposed peak runoff to the Wampus River will be less than the existing peak runoff into the Wampus River.

Chapter IV.G

Utilities

IV. G - UTILITIES**G-1 Comment:**

Water Supply. A Water System Capacity Study for Water District No. 4 was prepared by GHD Consulting Services. The study evaluated water demand, supply and storage capacity. The study concluded that given the 648,000 gpd capacity of the water system and the maximum existing demand of 960,000 gpd, the district does not have sufficient supply capacity to meet the maximum day demand as required by the NYS Sanitary Code, and is currently relying on storage capacity to meet the demand. The production capacity deficit is approximately 312,000 gpd. It is recommended that the proposed action not be permitted until WD#4 has sufficient capacity to serve the project. The Applicant should describe any proposed mitigation that would help address this issue. (Town of North Castle Planning Department - July 8, 2019)

G-1 Response:

The Applicant has acquired the property located at 125 Business Park Drive, which has a well that produces 115 gpm. Upon receipt of all necessary approvals for the Proposed Development, the Applicant intends to enter into a Community Benefits Agreement (“CBA”) with the Town of North Castle. Part of the CBA will include the applicant donating 125 Business Park Drive to the Town of North Castle. This well produces approximately 165,000 gpd, well in excess of the projects daily demand of 34,980 gpd. While this does not completely solve the Town’s and WD#4 capacity deficiency of 312,000, it does provide much need additional capacity (approximately 58% of the current deficiency of 312,000gpd.)

G-2 Comment:

Water Supply. The Applicant should indicate whether the proposed hotel building would utilize water as part of the HVAC system. Given the water capacity issues of Water District #4, it is recommended that the building be designed to not utilize an HVAC system that requires any water demand. The Applicant should identify the type of system proposed and provide alternatives to a water using system, if necessary.

*(Town of North Castle Planning Department - July 8, 2019)***G-2 Response:**

The Applicant is in the process of specifying the HVAC equipment, with the intent of employing a system that will not draw from the municipal water supply.

G-3 Comment:

Sewer Capacity. Sewer District #2 is at capacity and plans are currently being designed to expand the district from 500,000 gallons/day to 700,000 gallons/day. It is recommended that the proposed action not be permitted until SD#2 has sufficient capacity to serve the project. The Applicant should describe any proposed mitigation that would help address this issue.

(Town of North Castle Planning Department - July 8, 2019)

G-3 Response:

When the Applicant purchased the Site from IBM, a reserve sanitary sewage capacity of 35,000 gpd was also transferred to the Subject Property. The Proposed Action will result in a sanitary sewage flow of 34,980 gpd, which is 38,430 gpd below the 73,410 gpd resulting from the plan presented in the DEIS. Table III.G-1 presents the FEIS Plan's breakdown of projected wastewater flows.

Table III.G-1 FEIS Plan Projected Wastewater Flows			
Use	Units	gpd/unit ¹	Total gpd
Townhouses	50	125 ²	6,250
<i>Total Townhouses</i>	<i>50</i>		<i>6,250</i>
Condominiums			
1 Bedroom	20	110	2,200
2 Bedroom	39	220	8,580
<i>Total Condominiums</i>	<i>59</i>		<i>10,780</i>
Hotel			

¹ Flow rates taken from *New York State Design Standards for Intermediate Sized Wastewater Treatment Systems*, March 5, 2014, by NYSDEC.

² Actual water consumption at two similar developments was found to be between 63 gpd/unit and 136 gpd/unit. The flow rate of 125 gpd/unit has been accepted by the Town for a recently approved age restricted project.

115 Guest Rooms	115	35	4,725
Amenities			
Restaurant/Café	135	35	4,725
Lounge/Bar	45	20	900
Banquet Room/ Boardroom/Meeting Room	100	10	1,000
SubTotal Amenities			6,625
20% Water Saving Devices			1,325
Total Amenities			5,300
Total Hotel			17,950
FEIS Plan Total			34,980

As illustrated above, the Proposed Action will result in a sewage flow of 34,980 gpd, which is within the 35,000 gpd capacity allocated to the Site. Accordingly, the Applicant can accommodate the sewage flow associated with the FEIS Plan without any need for additional capacity from Sewer District #2.

G-4 Comment

How much - the sewer capacity? How much did you say, Did you give a number on that?

(Councilman D'Angelo, Public Hearing - June 26, 2019)

G-4 Response:

When the Applicant purchased the Site from IBM, a reserve sanitary sewage capacity of 35,000 gpd was also transferred to the Subject Property.

G-5 Comment

I certainly, and I think everyone on this board, very concerned with the water and sewer demands. I think we really need to see very, very accurate calculations. And then we have to pin that against, you know, what do we have in terms of water? What do we have in terms of sewer? What is the expansion of, for instance, our sewer district going to entail and what is it going to cost? And how -- you know, how you are going to contribute to that.

(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

G-5 Response:

As stated in comments G-1 and G-3, the Applicant has addressed both the water and sewer demand for the Proposed Action. The FEIS Plan requires 34,980 gpd of water and 34,980 gpd of sewer capacity. The site has an allocation of 35,000 gpd from Sewer District #2. The FEIS Plan has been designed to stay within the 35,000 gpd allocated to the site. With respect to water demand, the Applicant has purchased the property located at 125 Business Park Drive. That property has a well producing 115 gpm. This well produces well in excess of the project's water demand. After receiving all necessary approvals, the Applicant intends to enter into a Community Benefits Agreement ("CBA") with the Town of North Castle. Part of the CBA will include the applicant donating 125 Business Park Drive to the Town of North Castle. Any excess water capacity not needed by the Applicant will go towards solving the existing capacity shortfall of WD#4.

G-6 Comment

Oh, you indicate that you're going to have green building measures, which, of course, I think we're all, you know, in favor of that. I think it's, you know, really crucial that both parcels have, you know, really state-of-the-art, you know, green measures. And I'd like to just see a little more detail in terms of the water conservation measures in terms of you have, you know, efficient irrigation, water reuse, rain barrel cisterns, underground water storage tanks. I'd like to see more of that incorporated in the design.

(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

G-6 Response:

The Applicant is committed to incorporating various green building measures into the development, including:

- Energy star windows & appliances
- Additional wall & roof insulation
- Preservation of and access to open space
- Led lights
- Efficient irrigation and water reuse
- Rain barrels

- A subsurface parking garage, which reduces surface paving and the heat-island effect
- Water-conserving fixtures
- Leak and water metering
- Low / no VOC paints, coatings and primers
- Composite wood products that emit low / no formaldehyde
- Environmentally preferable flooring
- Green roof and green walls
- Management and recycling of construction waste management
- Recycling storage
- Mold prevention: water heaters
- Radon mitigation
- Integrated Pest Management
- Active design: promoting physical activity within the building
- Staircases and building circulation
- Interior and outdoor activity spaces for children and adults
- Smoke-free building

Additionally, the Applicant is evaluating the feasibility of employing a green roof or roof top solar panels on both the hotel and multi-family condominium buildings.

G-7 Comment:

One is you were talking about the IBM allotment that was going to be provided for the water and sewer. Two weeks ago I believe Tony Veneziano said -- and you can go back and look at that -- that he was going to try to get that allotment for Mariani's.

(Mr. Woodyard, Public Hearing - June 26, 2019)

G-7 Response:

Upon selling the 32-acre property to Maddd Madonna Armonk, IBM transferred 35,000 gpd from its reserve sewer capacity to Maddd Madonna Armonk to use for the proposed development. That 35,000 gpd is specifically allocated to Lot A-4

and is separate and distinct from anything that was mentioned in connection with the Mariani project.

G-8 Comment

Also, there is a “spite strip” of 4 feet in width that currently precludes access for water, sewer, traffic and other utilities. The applicant should address alternate solutions to these limitations

(Michael E. Fareri - August 19, 2019)

G-8 Response:

The Applicant is keenly aware of the presence of the “spite strip.” Although allowing crossings would minimize potential impacts, permission to do so has been refused. As a result, no crossings of the “spite strip” were proposed in the plan presented in the DEIS, nor in the FEIS Plan.

G-9 Comment

The water distribution system is proposed to be extended through the North Castle Community Park and looped back into the existing water distribution system at Business Park Drive and Route 22. This loop is beneficial since it will provide alternate distribution mains which could service the community from either direction.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

G-9 Response:

The layout of the proposed development has changed. The watermain extension is located to maximize the benefit of looping to the existing water system. As the project progresses the route of the watermain extension through the park will be explored in more detail with the Town Water and Sewer Department and the Town Consulting Engineer’s office.

G-10 Comment

We would recommend that the water main loop into the townhouse community be located along the route of the sanitary sewer main, where access for maintenance can then be accomplished for both utilities. The

IBM Filed Plat #28359 includes a water reservation area for a future 20 foot wide water main easement to permit water connection to Water District #4. The route of the water main through the park should be explored in more detail with the Town Water and Sewer Department and our office as the project progresses.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

G-10 Response:

See response G-9.

G-11 Comment

Appendix H provides an analysis of the proposed water main extension off the Water District #4 distribution system and the distribution system's ability to supply fire flow protection to the proposed development. The DEIS uses a 1,500 gpm residential fire flow when examining storage and pressures within Water District #4 and 1,200 gpm when examining fire flow requirements and residential pressure on-site. The discussion and supporting design report provided within the DEIS should be expanded to explain the reasoning for using two (2) different residential fire flows within the analysis. The analysis should also provide the fire flow requirements for the hotel/apartments and explain the internal mechanics of the hotel fire system and whether on-site storage and fire pumps will be required.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

G-11 Response:

The report has been revised to use 1,500 gpm for both instances in the report. The internal mechanics of the hotel and multi-family condominium building have not been designed at this time, although it is anticipated that on-site storage and pumps will be required.

G-12 Comment

Table IV.G-2, Eagle Ridge Projected Water Demand assigns a design flow for each proposed use on the project site to achieve a peak daily demand

for the project. The chart provides a 20% water savings for the hotel and its amenities. NYSDEC Standards for Intermediate Wastewater Treatment, 2014, permits the 20% reduction, except when post 1994 unit flow calculations are used. Table IV.G-2 uses a guest room flow of 110gpd and, therefore, the 20% reduction should not be applied to the guest rooms, only the hotel amenities. The applicant should revise their computations accordingly. The applicant should also explain how they will ensure adequate maintenance and future in-kind replacement of all water saving fixtures within the community.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

G-12 Response:

The water demand has been revised as the Proposed Action has been modified. The 20% reduction was only taken for the hotel amenities. A hotel operator has not been selected yet, but the selected operator will have staff dedicated to the maintenance and upkeep of plumbing fixtures among other things, and will replace fixtures with in-kind water saving fixtures.

G-13 Comment

The applicant estimates that the average water supply requirement for this project will be 73,410 gpd. Total demand from other projects within the district is 19,780 gpd for a total additional demand required from the district's supply of 93,120 gpd. The district presently has an average domestic water demand of 381,000 gpd and an estimated maximum daily demand of 960,000 gpd. The present system's capacity is 648,000 gpd which indicates a deficit of 312,000 gpd to meet peak daily demand. The applicant should provide an update on recent progress to develop additional water supply for the district.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

G-13 Response:

Upon securing necessary permits for the proposed development, the applicant is willing to enter into a community benefits agreement, which among other things, transfers the ownership of 125 Business Park Drive to the Town of North Castle.

The well has a yield of 115 gallons per minute, or 165,600 gallons per day, or more. More information on this well is contained in the water report.

G-14 Comment

Landscape irrigation for the project is proposed to be provided through the use of rainwater harvesting cisterns which will be supplemented by on-site wells during dry-weather periods. The applicant should expand this thought by estimating the annual irrigation requirements, anticipated rainwater recapture and estimated well withdrawal for irrigation purposes. A maximum irrigation well withdrawal rate will need to be established for the project, which would provide assurances that upgradient groundwater would not draw into the area. (Joseph M. Cermele, Kellard Sessions - August 15, 2019)

G-14 Response:

The rain water harvesting tanks and proposed wells have been eliminated from the Proposed Action as it is not financially possible to include these improvements. The landscaping selected will be drought resistant and appropriate for the Site and the region's climate.

G-15 Comment

Sanitary sewer collection is proposed by a gravity collection system, which is presently proposed within the roadway system, except for the system's link between the proposed community and the existing collection systems located along the common boundary with the Community Park. While the point of connection is less than 1,000 feet from the Sewer Treatment Plant, the existing sewer main is within the valley and crosses the Wampus River with minimum slope through the area. The applicant should examine the peak hourly capacity through this segment of the sewer system to confirm adequate capacity to accept flows from the project. As the project design progresses, we will need to examine with the Town Water and Sewer Department maintenance access for that portion of the system outside of the roadways. (Joseph M. Cermele, Kellard Sessions - August 15, 2019)

G-15 Response:

As indicated in the wastewater report included in the Appendix, the amount of sewage allocated to the IBM site is 135,000 gallons per day. With the sale of the subject property, IBM has transferred 35,000 gallons per day to the Eagle Ridge site. Based on a total sewage flow of 135,000 gallons per day, and a peaking factor of 4, the peak hourly flow is estimated to be 375 gpm. Based on an as-built plan of the sewer pipe under the Wampus River, the flattest section of pipe has a capacity of 528 gpm. This information has been added to the wastewater report.

G-16 Comment

Table IVG-G-5, Projected Sanitary Sewage Flows, should not include waste discharge from the swimming pool. All swimming pool backwash is restricted from discharge to the Sewer District #2 collection system. Furthermore, as noted under Water Supply, a 20% reduction in flow shall not be applied to guest rooms where 110 gpd design flow (a post 1994) value is used and must provide means of assuring adequate maintenance and replacement in-kind. The applicant should revise these calculations and also provide a suitable means of addressing the pool backwash.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

G-16 Response:

The swimming pool for the FEIS Plan has not been fully designed at this stage of the project. The backwash system for the pool can be designed as a closed system where no backwash water leaves the Site. In addition, the stormwater system collecting the roof runoff consists of an infiltration system followed by a stormwater basin. The backwash or pool drawdown may be directed to the stormwater system which in turn would be directed to the infiltration system.

G-17 Comment

The applicant estimates 73,410 gpd of sanitary sewage generated from the proposed project. The project sponsor had obtained 35,000 gpd of reserve capacity from IBM Corporation with the purchase of the property, leaving a capacity deficit of 38,410 gpd. This deficit is planned to be made up by the upgrade of the Sewer District #2 wastewater treatment plant capacity

expansion. The applicant acknowledges his need to phase the project in order to not exceed the property's 35,000 gpd reserve allotment until the sewer plant expansion is completed and a funding mechanism is in place.
(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

G-17 Response:

The proposed development and housing type have changed and therefore the sewerage flows have been revised. As seen in the revised wastewater report, the sewage generated is projected to be 34,980 gallons per day, which is within the 35,000 gallons per day allocated to this property.

G-18 Comment

With regard to the Boutique hotel there is no mention of laundry facilities. Will there be laundry for the hotel and guests on site? If so, the volume of wastewater generated and water consumption should be accounted for. Additionally, the possibility of a salon although not mentioned, would also increase water & wastewater demands.

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-18 Response:

An operator for the hotel has not been selected yet so the decision to have hotel linens laundered on-site has not been made yet. The NYSDEC guidelines allocate 110 gpd per room for a hotel, and it is assumed that this allocation accounts for on-site laundry. At this point a salon is not proposed.

G-19 Comment

It should be noted that there is an indication that the Hotel & Apartment Building will generate 164 full time jobs. None of the tables referencing project flows for both water and sewer includes this information, the standard says to add 15 gpd per FTE this is an additional 2,460 gallons per day.

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-19 Response:

Within the “New York State Design Standards For Intermediate Sized Wastewater Treatment Systems, March 5, 2014”, the hydraulic loading tables provide estimates sewage generation. Under use “hotel”, the sewage generated is 110 gpd per sleeping unit. The table makes no additional provision for employees, which are included in the overall hotel hydraulic load.

G-20 Comment

This section provides a sense of just how enormous this project really is. There are descriptions of functions such as the 2nd Floor Terrace which are not accounted for or called out in the W&S flow tables. Just some general concerns and observations regarding ballrooms, etc. there really is no indication as to the frequency and volume of events and functions.

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-20 Response:

The project has been modified from the original submission and much of the areas referred to in the comment have been reduced or eliminated. Ballrooms and meeting rooms have been accounted for in the water and sewer flows.

G-21 Comment

On page IV.G-3 there is reference to Figure IV.G-2 Existing utilities, this should be corrected as the water main referenced as servicing the property does not exist (all of IBM's water service is fed from two service connections on Old Rt.22). I believe there was an easement established through the Town Park during the subdivision of the IBM property for a future connection of the lot, but an 8" water main does not exist as detailed. I'm assuming the average daily pressure range was concluded from some type of computer model.

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-21 Response:

An existing watermain does not service the Site. A watermain extension is proposed with two connection points to the existing watermain. One connection is through Community Park and the other connection is down North Castle Drive,

across Route 22 and connecting at the intersection of Route 128 and Old Route 22. The pressure ranges were a result of the analysis contained in the water report.

G-22 Comment

Much discussion throughout the document speaks of capacity at the WWTP for the project as it should. However, there is reference to the 8" sewer main that runs along the site's eastern boundary within an easement with the intent to service the project. It should be noted that the existing 8" sewer line once at the base of the hill, extends through the park for approximately 300' at a 0.56% pitch under the Wampus Brook and into the WWTP. This same line services all of IBM, their Original Headquarters, Main Headquarters, and the Learning Center. The capacity of this line should be analyzed with emphasis on the peak loading requirements of the Eagle Ridge project and that of the IBM facilities combined. Can this line handle the additional flows during peak conditions?

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-22 Response:

As indicated in the wastewater report the amount of sewage allocated to the IBM site is 135,000 gallons per day. With the sale of the subject property IBM has transferred 35,000 gallons per day to the Eagle Ridge site. Based on a total sewage flow of 135,000 gallons per day, and a peaking factor of 4, the peak hourly flow is estimated to be 375 gpm. Based on an as-built plan of the sewer pipe under the Wampus River, the flattest section of pipe has a capacity of 528 gpm. This information has been added to the wastewater report.

G-23 Comment

Table IV.G-2 details water use for the various facilities and occupancy based upon number of people, seating, etc. Some of the same comments I had regarding sewer also apply here. Although the pool allocation is for patrons, what will the water demand for the pool be regarding refilling/evaporation rates?

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-23 Response:

See response G-16.

G-24 Comment

There is continuous reference to the "Airport Campus" project which has no basis with regard to water and sewer. That project is serviced by a private water supply and sewer service has no impact on SD2.

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-24 Response:

Comment noted.

G-25 Comment

On page IV.G-16 reference to Figure IV.G-5 explains a connection to the WD4 distribution system at the intersection of New Rt22 & Business Park Drive it continues to say "Once inside the Site, two looped water lines would service the hotel/apartment building and the townhouses. This water distribution system located on the Site will be owned and maintained by the Applicant". Based upon this statement I have to assume it is the intent for WD#4 not to own and operate the distribution mains and appurtenances. This statement presents a problem, not sure if the Health Department would accept this, the scenario would require master meters with fire flow capability on both distribution system feeds, along with capable backflow prevention devices. These would be very large meter pit/hot box structures.

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-25 Response:

The watermain through the Site is proposed to be public and to be owned and operated by Water District #4.

G-26 Comment

Regarding the wastewater report included in Appendix G:

- *As indicated previously, there are concerns with the existing sewer main through the Town Park and its ability to service the entire project peak flows along with IBM and their peak flows.*
- *There is no accounting for Full Time Employees in the WW allocation tables.*
- *There is no allocation for 2nd floor terrace functions in the allocation tables.*
- *Potential laundry facilities on site?*
- *No Ballroom frequency or number of anticipated functions.*
- *No discussion of onsite wastewater collection system and serviceability.*
- *There is no mention of the pool filter backwash, which should not be discharged to the sanitary sewer.*

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-26 Response:

See responses above. For the pool backwash, the swimming pool for the project has not been fully designed at this stage of the project. The backwash system for the pool can be designed as a closed system where no backwash water leaves the site. In addition, the stormwater system collecting the roof runoff consists of an infiltration system followed by a stormwater basin. The backwash or pool drawdown may be directed to the stormwater system which in turn would be directed to the infiltration system.

G-27 Comment

Regarding the Water Supply Report report included in Appendix H:

- *Much of the technical information was collected from the Water District No.4 Capacity Study 2016, prepared for the Town by GHD Consulting Engineers.*
- *Much of the same concerns detailed for the WW demand tables are relevant for the Water Demand table.*
- *There is no mention of water metering of the various buildings and facilities.*
- *Page 4 has the following statement “Landscaping irrigation for the Eagle Ridge Project will be accomplished by the use of rain water harvesting*

tanks. During dry periods the tanks will be supplemented by on-site wells." The onsite wells can present a problem, there is no way to regulate their use. There are two wells illustrated on Site Plan Figure 111-6, the concern is the possibility of moving the downtown Armonk groundwater contamination plume closer to the WD4 production wells. The groundwater of the affected contamination area is still being contained and treated today. Water is being pumped, treated, and discharged continuously. This is being monitored and performed by the State, in DeCicco's parking lot. If onsite wells are added the requirements for Backflow Prevention & Cross Connection Control will increase substantially.

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-27 Response:

See responses above. Water metering has not been designed at this stage of the project. As the project moves forward, water metering will be coordinated with the Town Water and Sewer Department. The rain water harvesting tanks and proposed wells have been eliminated from the FEIS Plan as it is not financially possible to include these improvements. The landscaping selected will be drought resistant and appropriate for the Site and the region's climate. Fire flow information is contained within the water report. As the project moves forward, fire flow information within the buildings will be expanded. At this time, a water storage tank is not proposed for this project. Pool fill will be accomplished with water brought in by tanker trucks.

G-28 Comment

Related to water supply there is mention in several parts of the DEIS that the developer is willing to make a financial contribution covering the cost of drilling and installing new production wells. This should happen sooner than later as this process is lengthy and can take years to achieve.

(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-28 Response:

The Applicant had discussed making a financial contribution to cover the costs of exploratory drilling for a new well source and, if successful, installing new production wells. However, subsequent to the submission of the DEIS, the Applicant identified a parcel of land on Business Park Drive that had a well producing 115 gpm. Instead of contributing to exploratory drilling to locate a new well source, the Applicant purchased the Business Park Drive property and plans to donate it to the Town as part of its Community Benefits Agreement.

G-29 Comment

- *Fire flow information should be detailed for the fire district and fire inspector in order to substantiate the ability to meet all firefighting requirements.*
- *The water district is also in need of additional storage, perhaps a buried storage tank could be incorporated onto the site, which can help balance the WD4 distribution system and provide more volume for site functions. Based upon elevation the area behind the Town House units 37-42, may work.*
- *Pool fill, evaporation topping off rates are not discussed.*
(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-29 Response:

See response G-26.

G-30 Comment

Under current district conditions, if service is provided for this project, future operations of water & sewer throughout the related service districts will ultimately be impacted. Much of what I have previously mentioned could have adverse effects relative to overall district operations. Items detailed should be looked into, and answers provided for the items questioned. Based upon current district conditions servicing of the property with water and sewer as proposed will be marginal, it is understood that WWTP upgrades are in the works to handle additional flows, however in my opinion water supply is a greater concern.
(Sal Misiti, Town of North Castle Sewer and Water Department - July 26, 2019)

G-30 Response:

The proposed development and housing type have changed and therefore the sewage flows have been revised. As seen in the revised wastewater report, the sewage generated is 34,980 gallons per day, which is within the 35,000 gallons per day allocated to this property.

In regard to the water supply, upon securing the necessary permits for the proposed development, the applicant is willing to enter into a community benefits agreement, which among other things, transfers the ownership of 125 Business Park Drive to the Town of North Castle. The well has a yield of 115 gallons per minute, or 165,600 gallons per day, or more. More information on this well is contained in the water report.

Chapter IV.H

Traffic & Transportation

IV. H - TRAFFIC & TRANSPORTATION

H-1 Comment:

The applicant proposes to construct a sidewalk along North Castle Drive that would connect the new development to Route 22 where a school bus stop is proposed on the northbound side of Route 22. Since Bee-Line bus stops for Route 12 bus service are located on the opposite side (southbound) of Route 22, the applicant is proposing to work with the NYS Department of Transportation (NYSDOT) to install a crosswalk in this location. However, the crosswalk configuration shown on Figure IV.H-16 appears to be an insufficient crosswalk treatment. We recommend the applicant coordinate this effort with the NYSDOT.

(Westchester County Planning Board - June 28, 2019)

H-1 Response:

The bus stop is no longer planned for Route 22. IBM (and the Applicant) will provide easement dedication along North Castle Drive (driveway) which will permit school buses to “come on site.” School buses access private roads via easements elsewhere in Town, and consistent with this approach, a similar arrangement will be put in place along North Castle Drive.

Given the low number of pedestrians and the significant number of comments regarding Route 22 traffic, no sidewalk is currently proposed along the Site’s frontage and the crosswalk has been eliminated. The Applicant is aware that the Lead Agency finds that it is imperative that future residents have access to Armonk Hamlet from the Site. The Lead Agency requests that the applicant give consideration to a crosswalk at NYS Route 128 and a sidewalk along the Route 22 heading into the Hamlet.

Shuttle service (van service) will be provided by the Hotel to serve the airport as well as the Armonk hamlet area. In order to address any potential pedestrian traffic from the residential development, residents will have the ability to make arrangements with the shuttle operator for access to the hamlet area.

H-2 Comment:

The draft EIS also notes that one of the intended uses of this sidewalk and crosswalk is to allow for pedestrian travel between the site and downtown Armonk. However, we point out that once a pedestrian crosses Route 22, there are no sidewalks along Main Street (NYS Route 128) connecting into the hamlet. We recommend that the final EIS address if sidewalks can be continued along Main Street to connect to the hamlet. We point out that the provision of these additional sidewalks would appear to be consistent with the Town Comprehensive Plan. If these sidewalks were not to be provided, the final EIS should state that pedestrians will need to walk in the roadway shoulder of Main Street to access the hamlet. If this is the case, the additional crosswalks would be necessary across Main Street since pedestrians would need to walk against the flow of traffic, and would therefor need to have safe access to both road shoulders of Main Street.

(Westchester County Planning Board - June 28, 2019)

H-2 Response:

See response H-1. The Applicant does not plan to construct sidewalks along Main Street.

H-3 Comment:

The draft EIS does not contain a complete discussion of Bee-Line bus service that we requested in our comments on the draft scoping document. The draft EIS does not include a discussion of the Bee-Line's existing Loop H shuttle service which currently operates within the IBM campus and also has the potential to serve the subject site. The Town should require the applicant to contact the County Department of Public Works and Transportation (WCDPWT) to discuss this. In addition, Figure IV.H-16 only shows one of the two Bee Line bus stops for Route 12 at the intersection of Route 22 and Main Street. This should be revised in the final EIS, and again, the applicant should be required to contact WCDPWT to determine the impacts of the proposed development on these bus stops and if any bus stop improvements are warranted or desired as a result of the proposed project.

(Town of North Castle Planning Department - July 8, 2019)

H-3 Response:

The Applicant has had discussions with the Westchester County Department of Transportation regarding bus stops and routes. As public transit operations are currently undergoing significant change, these discussions are ongoing, and the Applicant will assist in the establishment bus stops or Bee-Line route modifications, to the extent practicable.

H-4 Comment:

*Screening. Approximately 230 feet of buffer along NYS Route 22 is located within the Route 22 right-of-way. The preservation of this buffer is an integral part of the proposed screening plan. The Applicant should identify any current or proposed NYSDOT plans that would remove the buffer. In addition, the Applicant should explain the effectiveness of the screening plan should the NYSDOT buffer be removed.
(Town of North Castle Planning Department - July 8, 2019)*

H-4 Response:

The Applicant has no knowledge of improvements proposed by the NYSDOT. Moreover, the FEIS Plan significantly modified the development by shifting the development footprint toward the southern half of the Site. The hotel building that was previously setback 310 feet off the Route 22 edge of pavement, is now proposed to be setback 880 feet from the edge of pavement. This represents an increased setback of 570 feet. Additionally, an extensive Landscaping Plan is proposed (Figure I-9) which ensures that robust screening will remain in place along Route 22.

H-5 Comment:

*Bus Stop. The Traffic section of the DEIS discusses a bus stop along NYS Route 22, while the Community Facilities & Services section discusses a bus stop at Community Park. The Applicant shall clarify the currently proposed bus stop location.
(Town of North Castle Planning Department - July 8, 2019)*

H-5 Response:

There is no proposed bus stop on Route 22. School children will be picked up onsite with the location identified by the school district. See response H-1.

H-6 Comment:

Bus Stop. The proposed bus stop, either at Community Park or on Route 22, is not acceptable. It is recommended that a bus stop be proposed in a more convenient, and safe, location for students and families. Given the requirement that the Byram Hills Central School District only make bus stops on public roads, it is recommended that a portion of North Castle Drive be dedicated as a public road (or even a portion of the interior road network) in order to create an acceptable bus stop location.

(Town of North Castle Planning Department – July 8, 2019)

H-6 Response:

See response H-1 and H-5.

H-7 Comment:

Zoning & Parking. The proposed zoning significantly reduces the required off street parking for a hotel by eliminating off-street parking for restaurant, lounge and other eating and drinking facilities as well as not requiring off-street parking for non-rentable floor area. The Applicant should explain why such a change is proposed and why the existing off-street parking requirement is not appropriate.

(Town of North Castle Planning Department – July 8, 2019)

H-7 Response:

The off-street parking for all of the uses proposed in the FEIS Plan conforms to the applicable off-street parking requirements as set forth in Article IX of the Town Code. As requested by the Town's Traffic Consultant, a Parking Study was conducted to compare the required parking based on Town Code and the latest industry standards as contained in the Institute of Transportation Engineers (ITE) – Parking Generation Manual, 5th edition, January 2019. As summarized in the Parking Study, the 115-room hotel and 59 townhomes will meet the required

parking based on the “higher” Town Code rates, with the 59 multi-family condominiums short by some 18 spaces. As documented in the Study, based in ITE Peak Parking Generation Rates, all three components of the FEIS Plan will meet current industry standards. The Parking Study is included in the Appendix.

H-8 Comment:

***Pedestrian Connection. The DEIS discusses creating a pedestrian connection from the Eagle Ridge development to Community Park. However, an adjacent property owner has stated that such a connection is prohibited. The Applicant should discuss this issue in further detail. The Applicant should provide potential solutions aimed at resolving this issue as it is critical that this development have access to the adjacent Town of North Castle Community Park.
(Town of North Castle Planning Department - July 8, 2019)***

H-8 Response:

Pursuant to the Adopted Scope, dated June 27, 2018, the Applicant was required to “[p]rovide pedestrian access from Eagle Ridge to Community Park.” Accordingly, the Applicant developed a plan to show how access from Eagle Ridge to the Community Park could be provided.

Unfortunately, pursuant to the “Deed of Dedication of Lot A-1”, between IBM and the Town of North Castle, dated December 24, 1996, and recorded with the Westchester County Clerk on May 28, 1997 at Liber 11731, page 53, paragraph “g” on page 4 provides that “the Town will construct by July 1, 1997 and thereafter maintain direct public access to the [Community Park] from Business Park Drive or other public right-of-way and under no circumstances will the Town have access to the [Community Park] through Lot A.”

The Eagle Ridge development is proposed on a portion of former Lot A. Therefore, direct public access from the Eagle Ridge site to the Community Park is prohibited by the Deed of Dedication between IBM and North Castle.

Furthermore, pursuant to the “Correction Deed of Dedication and Declaration”, between Armonk Business Center, LLC and the Town of North Castle, dated

August 14, 1997, and recorded with the Westchester County Clerk on September 2, 1997 at Liber 11802, page 309, the Town of North Castle “covenants and represents that [it] will not amend, modify, or otherwise agree to accept any changes to that certain instrument entitled ‘Deed of Dedication of Lot A-1’ between International Business Machines Corporation and [the Town of North Castle] dated December 24, 1996 and recorded on May 28, 1997 in the Westchester County Clerk’s office at Liber 11731, page 53 (the ‘IBM Deed’) relative to the following specific provisions of the said IBM Deed:... b. the paragraph marked(g) on page 4 thereof...”

The Applicant met with the Manager of Armonk Business Center, LLC, to discuss to possibility of removing this restriction in order to allow for pedestrian access to the Community Park from the Eagle Ridge development. However, the Applicant’s request to allow for a pedestrian connection between the Community Park and the Eagle Ridge development was refused.

Based on these recorded instruments between IBM and the Town of North Castle and Armonk Business Center, LLC and the Town of North Castle, the Applicant cannot provide the requested pedestrian connection between the Eagle Ridge Development and the Community Park.

With respect to potential solutions aimed at resolving this issue, as previously stated, the Applicant has met with the Manager of Armonk Business Center, LLC in an effort to resolve this issue. To this point, Armonk Business Center, LLC has been unwilling to remove this restriction prohibiting pedestrian access between the site of the Eagle Ridge development and the Community Park. It is the Applicant’s understanding that the Lead Agency will attempt to secure an amendment to the deed restriction to permit a pedestrian connection between the Site and Community Park.

H-9 Comment:

Pedestrian Access. The DIES notes that the Applicant has had preliminary discussions with NYSDOT regarding constructing a crosswalk over NYS Route 22. It is imperative that a link to the hamlet be provided either at North Castle

Drive or at Business Park Drive. The Applicant should provide a further update on the status of this issue.

(Town of North Castle Planning Department - July 8, 2019)

H-9 Response:

See response H-1.

H-10 Comment:

Pedestrian Access. The Applicant should discuss how pedestrians would access the Armonk Hamlet from the site. The Applicant should give consideration to constructing a crosswalk at NYS Route 128 and Old Route 22 and provide a new sidewalk along NYS Route 22 to the newly proposed crosswalk at NYS Route 22.

(Town of North Castle Planning Department - July 8, 2019)

H-10 Response:

See response H-1.

H-11 Comment:

But there is a comment made as far as roads in the Hamlet of Armonk, and Main Street specifically, saying that the Main Street is in good condition and paved well and doesn't need more. And I think anybody in this room could tell you, Main Street is probably one of the worst roads in this town. And the supervisor for years has been on the DOT to try to get them to pave it. So, I really think you should change that.

(Councilman Berra, Public Hearing - June 26, 2019)

H-11 Response:

Comment noted.

H-11A Comment:

It's speculative at that point in time. If they are coming in doing what they are entitled to do, God bless them one way or the other. But that's right. I want to be receptive to things and try to help, but the town is a main consideration, and I

don't think it's this town's job to make sure that someone's project, if they were overly speculative, succeeds.

(Councilman Berra, Public Hearing - June 26, 2019)

H-11 Response:

Comment noted.

H-12 Comment:

Another point, and I know it is probably just for visual purposes, but they talk about school kids and school bus stop, and they showed it in the corner of Route 22 and whatever road that is, Armonk Road. You have to change that. I don't if its going to be a public road, private road going up the hill. But that can't be at that corner. It's a major intersection. I'm not going to ask kids to come down that hill, stand on the street corner at that intersection. I wouldn't park my car there, much less have my kids wait for a bus there.

On top of all the housing, everything else, we're going to have three separate rooms in the hotel: Ballroom with 282-person capacity, junior ballroom, 149, and a boardroom with 45 capability. I assume they can all be used at the same time. That's roughly almost 500 people. I don't know if the study's in there, but I'd like to know if the traffic study was done if that place is full, hotel full, you've got the apartments rented and 97 townhouses, how many cars is that going to generate at that particular time? Especially the ballroom, the junior ballroom, they may all be coming and going at the same time.

(Councilman D'Angelo, Public Hearing - June 26, 2019)

H-12 Response:

The bus stop is no longer planned for Route 22. IBM (and the Applicant) will provide an easement dedication along North Castle Drive (driveway) which will permit school buses to "come on site." School buses access private roads via easements elsewhere in Town, and consistent with this approach, a similar agreement will be put in place along North Castle Drive. Refer to response H-1.

The plan presented in the DEIS has been abandoned and a new FEIS Plan which included the full development (59 multi-family condominiums, 50 age-restricted senior townhouses (55 and older) and a 115 room hotel including its ancillary uses which will result in the generation of a total of 104 AM peak hour vehicle trips and 130 PM peak hour vehicle trips (combined inbound and outbound) was accounted for in the Traffic Impact Study. These volumes are 14 AM peak hour trips and 16 PM peak hour trips below the volumes attributed to the previous plan presented in the DEIS. The Level of Service delays experienced under future No-Build and future Build Conditions are similar. In the Applicant's opinion, no significant degradations in Levels of Service would result from the Proposed Action.

It should be noted that the Trip Generation rates for the Hotel (ITE Land Use 310) includes ancillary uses such as restaurants, bars, convention facilities and banquet rooms which are accounted for in the Traffic Impact Study traffic analysis. It should be noted that these ancillary uses, including the junior ballroom, typically operate during off-peak hours or weekends when the roadway traffic volumes are lower, such as in the case with NYS Route 22.

H-13 Comment:

And then traffic, you know, look into the traffic and the way it will flow and how it will work with, you know, like the buses or the school kids and how that would work.

(Councilman Reiter, Public Hearing - June 26, 2019)

H-13 Response:

Comment noted.

H-14 Comment

Conversely, I'm concerned about parking. I'm concerned about traffic. Our Main Street, you know, is basically one block. And if these people that are either living in the townhouses or in the hotel, you know, if they are going to come into town, how are we going to address the traffic and the need for additional parking, which is already a topic.

(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

H-14 Response:

The Town has recently completed the Armonk Parking Study. Part of the report notes that “a 20% increase in downtown activity, for example, generated by the 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. A dramatically positive response to these developments. In terms of increased downtown shopping, dining and other activity, would utilize about 86% of the existing supply.

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 occurs, 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, it is understood that the Lead Agency will begin planning for expanded parking in the Armonk Hamlet. The Applicant should give consideration to contributing toward this goal as part of a Community Benefits Agreement.

The Town has conducted a parking study of the downtown area “Armonk Parking Study – Town of North Castle – Final Report – April 2020” by Nelson\Nygaard Consulting Associates, Inc. This study included “four upcoming and potential developments within or near to Central Armonk”. These developments included Marini Gardens, 162 Bedford Road (Armonk Lumber Yard), 470 Main Street and the DEIS Eagle Ridge project which is located approximately one-quarter mile south of downtown Armonk along N. Castle Road. The analysis in the study suggests that there is significant capacity to accommodate increased downtown activity from these other developments including the Eagle Ridge project, particularly with the implementation of parking management strategies outlined

in that study. The study also notes that as more downtown and near downtown development occurs, the Town may want to plan for supply expansions to accommodate peak parking demand of closer to high-end of the model projections.

H-15 Comment

I think in here you refer to pedestrian connection being proposed from the Eagle Ridge development to Community Park. Is that something that you actually can do? I think there are restrictions on that.

(Councilman Berra, Public Hearing - June 26, 2019)

H-15 Response:

Pursuant to the Adopted Scope, dated June 27, 2018, the Applicant was required to “[p]rovide pedestrian access from Eagle Ridge to Community Park.” Accordingly, the Applicant developed a plan to show how access from Eagle Ridge to the Community Park could be provided.

Unfortunately, pursuant to the “Deed of Dedication of Lot A-1”, between IBM and the Town of North Castle, dated December 24, 1996, and recorded with the Westchester County Clerk on May 28, 1997 at Liber 11731, page 53, paragraph “g” on page 4 provides that “the Town will construct by July 1, 1997 and thereafter maintain direct public access to the [Community Park] from Business Park Drive or other public right-of-way and under no circumstances will the Town have access to the [Community Park] through Lot A.”

The Eagle Ridge development is proposed on a portion of former Lot A. Therefore, direct public access from the Eagle Ridge site to the Community Park is prohibited by the Deed of Dedication between IBM and North Castle.

Furthermore, pursuant to the “Correction Deed of Dedication and Declaration”, between Armonk Business Center, LLC and the Town of North Castle, dated August 14, 1997, and recorded with the Westchester County Clerk on September 2, 1997 at Liber 11802, page 309, the Town of North Castle “covenants and represents that [it] will not amend, modify, or otherwise agree to accept any changes to that certain instrument entitled ‘Deed of Dedication of Lot A-1’

between International Business Machines Corporation and [the Town of North Castle] dated December 24, 1996 and recorded on May 28, 1997 in the Westchester County Clerk's office at Liber 11731, page 53 (the 'IBM Deed') relative to the following specific provisions of the said IBM Deed:... b. the paragraph marked(g) on page 4 thereof..."

The Applicant met with the Manager of Armonk Business Center, LLC, to discuss to the possibility of removing this restriction in order to allow for pedestrian access to the Community Park from the Eagle Ridge development. However, the Applicant's request to allow for a pedestrian connection between the Community Park and the Eagle Ridge development was refused.

Based on these recorded instruments between IBM and the Town of North Castle and Armonk Business Center, LLC and the Town of North Castle, the Applicant cannot provide the requested pedestrian connection between the Eagle Ridge Development and the Community Park.

H-16 Comment:

And one thing we hardly touched on tonight is the townhouses. And we need to study the traffic impact of filling up all those rooms to code -- even halfway to code is 1200 people, plus everything else. That needs to be studied. I don't know how we're going to handle that down at the bottom of the hill with everybody else we have here. These are extraordinary numbers. Much more than we ever looked at before.

(Councilman D'Angelo, Public Hearing - June 26, 2019)

H-16 Response:

The traffic analysis included the townhouses.

H-17 Comment:

I just want to make sure the timing of the studies, for the traffic studies, reflect the changes which we welcomed at IBM. So, some of you may know, IBM's world headquarters is here. They had a facility in Somers. They did major renovations here. And they moved, what, 800 employees, Roland, from Somers to this

facility. And I'm not sure when these studies were done if that was commensurate with when that happened. So, we welcome IBM staying here and expanding here, but we want to make sure that those new car -- or car trips are reflected in this. So, all part of the traffic impacts.

(Supervisor Schiliro, Public Hearing - June 26, 2019)

H-17 Response:

The traffic analysis reflects the vehicle trips by existing and future IBM employees.

H-18 Comment:

The other thing is a shuttle bus to take people into town, that they might consider doing that from the hotel, because they are going to be taking people to the airport and back, they could maybe do something going to town. That's an idea I was thinking about. And also it could be used by the residents, if you decide to go ahead with this thing.

(Mr. Woodyard, Public Hearing - June 26, 2019)

H-18 Response:

The Applicant is willing to consider the use of a shuttle bus.

H-19 Comment:

I'm really perplexed by the concept that we envision so many -- this project envisions so many people coming to an environment which the DEIS actually says has inferior public transportation options and lacks accessibility to New York City when compared to other areas of Westchester County. I just moved here from Manhattan. It's not an easy commuter town. Hundreds and hundreds and hundreds of people are going to come here to this hotel and this residential area drawn by our lack of train station? I don't understand that logic. If they do come, I'm concerned about the impact on traffic, the impact on parking. We live north of Windmill, and I'll tell you, and as much as I like the hamlet, we've started doing our shopping already up in Bedford because the parking situation is so poor in the Armonk Square vicinity. I didn't come to Armonk to have to go elsewhere to avoid the crowds.

(Mr. Jacobs, Public Hearing - June 26, 2019)

H-19 Response:

See response H-14.

H-20 Comment:

But one of the astonishing aspects of it is the suggestion of a school bus stop on the side of Route 22, a seven-lane road at that point. 54.2 schoolchildren are envisioned in this plan? I guess one of them is really, really small. And those 54.2 children are going to line up on the side of the road to wait for their bus? That's not how we do things in Armonk. It will be 54.2 parents driving 54.2 cars lining up on the side of the road. That's a fairly good size parking lot with cars. So that's bonkers. And then the idea of a crosswalk across the same, at that point, seven-lane road. Who are you renting to? Sprinters? I don't understand that concept. And I'd like to know a lot more, a lot more about that. I'd like to see the numbers worked out. I'd like to see simulations, animation of how this is going to look and work. And the concept of, again, that crosswalk and that school bus stop and all of the cars coming and going is going to have literally no impact, no impact of any kind on service levels at those intersections? That simply doesn't ring true.
(Mr. Jacobs, Public Hearing - June 26, 2019)

H-20 Response:

Current plans have no school bus stop on Route 22. In addition, based on demand and impact on signal operation, there is no crosswalk proposed. See also Response H-1.

H-21 Comment

I was really disturbed that in the appendix, on page 95 at 1341, it described pavement conditions on Route 22 and 128 as being generally good. And -- I'm baffled. You know, not to pick at things, but there are a lot of things in here that just don't make sense to me. So I really would like an explanation of that, because when we get complaints about roads, one of the -- in town, we've been making a lot of progress, one of the biggest problems they have is that -- or we have is that these are state roads that we cannot repair. But everyone is -- most people are

terribly troubled by them, so I cannot imagine how these are viewed as generally good, and I'd like some analysis on the standing of that.
(Councilman Berra, Public Hearing - July 10, 2019)

H-21 Response:

Comment noted.

H-22 Comment

Traffic has been a major concern in the town for many years. Recent developments going through the approval process have already been shown to increase traffic in the area. Both the intersection at Business Park, and North Castle Drive are major intersections which are frequently used by responding emergency apparatus. Combining additional pedestrian traffic, and vehicle traffic will result in the following: Additional traffic concerns for first responders responding to the firehouse for calls creating a delayed response time, additional risk of accident and pedestrian related injuries, increased difficulty for responding apparatus. A Pre-emption device which is installed in the intersection allows for emergency apparatus to force traffic lights to give the apparatus the right of way. This is currently in place in the intersection of the firehouse. Additional devices should be added in all directions of both the intersection at Business Park and Rt. 22, as well as Main Street and Rt. 22. Although this will not help emergency responders responding from home to the firehouse, it will make the intersections safer overall for responding emergency apparatus. Additional studies should be conducted to determine how traffic will increase not only at peak times, but throughout the day, and how that will affect emergency response for first responders.

(Phil Goulet, Armonk Fire Department - Undated, 2019)

H-22 Response:

The Applicant will make a fair share contribution to the Town for the installation of these devices.

Based on the analysis contained in the DEIS/FEIS Traffic Impact Study, similar Levels of Service and delays will be experienced under future No-Build and future

Build Conditions during the peak hours. As requested by the Town's traffic consultant, the hourly traffic volumes along NYS Route 22 in the vicinity of the Site have been provided (based on NYSDOT historical data). See Appendix. As seen on this Table, traffic volumes along NYS Route 22 are significantly less during off-peak hours. As a result, it is not expected that the addition of traffic from the FEIS Plan would significantly affect emergency response times during peak and off-peak times.

H-23 Comment

Existing Traffic Volumes (Section IV.H.1.c. and Appendix D Section E. J): Based on our review of the weekday afternoon peak hour volumes, the IBM approved 2017 traffic volumes used at the NYS Route 22 intersections of NYS Route 120 (two intersections) and the Interstate 684 Interchange were in some cases significantly reduced to balance to the 2018 traffic volumes. Therefore, the Applicant should provide a sensitivity analysis of these intersections provided in Figure 3A with the IBM approved 2017 traffic volumes and carry through the 2022 build condition.

(Michael Galante, Frederick P. Clark Associates - July 10, 2019)

H-23 Response:

While we feel that the Year 2018 Existing PM Peak Hour Traffic Volumes are representative of existing conditions, as requested, a "sensitivity analysis" was conducted. Copies of the resulting Existing and Future Traffic Volume Figures and Levels of Service/Queue Summary Tables are contained in the Appendix.

H-24 Comment

Accident History (Section IV.H.3. and Appendix D Section L.) - The accident history summary is provided under Mitigation Measures in Section IV.H.3. It should be provided in Section IV.H.1.d.

(Michael Galante, Frederick P. Clark Associates - July 10, 2019)

H-24 Response:

Comment noted.

H-25 Comment

*No-Build Traffic Volumes (Section IV.H.2.a. and Appendix D Section F.J): The future 2022 no-build traffic volumes included an annual growth rate of one percent and included seven other developments and is reasonably acceptable. See Comment 1 regarding the sensitivity analysis.
(Michael Galante, Frederick P. Clark Associates - July 10, 2019)*

H-25 Response:

Comment noted. Refer to response H-23.

H-26 Comment

*Site Traffic Generation (Section IV.H.2.b. and Appendix D Section G.): The site traffic generation estimates for the proposed development are reasonably acceptable.
(Michael Galante, Frederick P. Clark Associates - July 10, 2019)*

H-26 Response:

Comment noted.

H-27 Comment

*Site Traffic Distribution (Section IV.H.2.c. and Appendix D Section H.J): The site traffic distribution patterns provided are reasonably acceptable.
(Michael Galante, Frederick P. Clark Associates - July 10, 2019)*

H-27 Response:

Comment noted.

H-28 Comment

*Build Traffic Volumes (Section IV.H.2.d. and Appendix D Section I.): The build traffic volumes are reasonably acceptable. See Comment 1 regarding the sensitivity analysis.
(Michael Galante, Frederick P. Clark Associates - July 10, 2019)*

H-28 Response:

Comment noted. Refer to response H-23.

H-29 Comment

Capacity Analysis (Section IV.H.2.f. and Appendix D Section K.): Review of the Synchro files indicated that the timing changes by NYSDOT to the intersection of NYS Route 22 at Maple Avenue/Business Park Drive were not used in the analysis. NYSDOT in 2018 changed the timing plan to add 15 seconds to phase 4 (change from 26 seconds to 41 seconds) with an increase in cycle length from 134 seconds to 149 seconds. This timing change should be implemented for all peak hours and conditions. The appropriate left turn pocket lengths for both the southbound Maple Avenue left turn lane at NYS Route 22 and northbound Maple Avenue left turn lane at Bedford Road should be inputted into the model.

The intersection of NYS Route 128 at Whippoorwill Road East/Maple Avenue should be analyzed as a 2-phase signal (Phase 1 northbound and southbound and Phase 3 eastbound and westbound) as per the NYSDOT Timing Plan provided. Also, the minimum initial, minimum split, maximum split, yellow time, all-red time, vehicle extension, minimum gaps, walk time and flashing don't walk does not match the NYSDOT Timing Plan. The timing inputs should be revised for all peak hours and conditions.

A review of the volume inputs indicated that at Node #13, 14 and 42 the volumes inputs are incorrect and do not balance for all time periods and conditions, with the exception of Node #42 for the no-build and build conditions during the weekday morning peak hour. This should be corrected. There were some minor discrepancies between the Synchro results and the tables for the delays and queuing at the NYS Route 22/NYS Route 128/North Castle Drive intersection during the existing weekday afternoon peak hour condition. In Table 2 for the intersection of NYS Route 22 at Maple Avenue/Business Park Drive, the

northbound left turn should be a Level of Service “E” not “D” during the build weekday morning peak hour condition.

The Applicant should provide in the capacity tables the analysis of the Interstate 684 northbound off-ramp to NYS Route 22 northbound. The proposed site driveway is analyzed as a single lane exiting not a separate left and right turn lane exiting, which provides a conservative analysis.

The Town is in the process of revising the southbound Maple Avenue Approach to NYS Route 22 to a left/through/right land group. Therefore, the Applicant should update its analysis to include this improvement in the build condition. The Applicant should consider this improvement part of their mitigation plan. (Michael Galante, Frederick P. Clark Associates - July 10, 2019)

H-29 Response:

Comments noted. The Synchro analysis including intersections #3 and #5 has been revised, as well as the Level of Service/Queue Summary Tables. See Attachment A of the Appendix.

At the request of the Town, the Town’s traffic consultant conducted a capacity analysis to address current traffic signal operations to improve the overall traffic operation of the intersection of NYS Route 22 at Maple Avenue/Business Park Drive which is currently being reviewed by NYSDOT. As requested, this analysis is included in Attachment F of the Appendix.

H-30 Comment

Intersection Sight Distance (ISD) Analysis (Section IV.H.2.f. and Appendix D Section K.): The Applicant should provide the ISD on the site plan for review. The roadway profiles should be provided to confirm the percent grade used in calculating the Stopping Sight Distance (SSD) requirements. The ISO requirements for a left turn from STOP should be adjusted to account for the

three-lane cross section at the driveway. The time gap should add 0.5 seconds to adjust.

(Michael Galante, Frederick P. Clark Associates - July 10, 2019)

H-30 Response:

As requested, sight distance plans have been provided to show sight lines, profiles and the required AASHTO Stopping Sight Distances (SSD) and Intersection Sight Distances (ISD) for both the proposed northerly and southerly driveways to North Castle Drive for 85th percentile speed of 35 mph. A copy of the Sight Distance Plans and 85th percentile speed data are contained in Attachment G.

Northern Driveway

As shown on the plan, the left turn from major road into the northerly driveway would require a SSD of 282' feet (adjusted for grade) and a ISD of 285' feet with a provided sight distance of 515'+ feet. The exiting left turn from the northerly site driveway would require a SSD of 282' feet (adjusted for grade) and a ISD of 390' feet with a provided sight distance of 515'+ feet looking left and 322' feet looking right. It should be noted that exiting left turns are expected to be minimal and the sight lines are met for the stopping sight distance (SSD). The exiting right turn from the northerly site driveway would require a SSD of 282' feet (adjusted for grade) and a ISD of 335' feet with a provided sight distance of 515'+ feet looking left.

Southern Driveway

As shown on the plan, the left turn from major road into the southerly driveway would require a SSD of 282' feet (adjusted for grade) and a ISD of 285' feet with a provided sight distance of 390'+ feet. The exiting left turn from the southerly site driveway would require a SSD of 282' feet (adjusted for grade) and a ISD of 390' feet with a provided sight distance of 390' feet looking left and 510' feet looking right. It should be noted that exiting left turns are expected to be minimal. The exiting right turn from the southerly site driveway would require a SSD of 282' feet (adjusted for grade) and a ISD of 335' feet with a provided sight distance of 390' feet looking left.

Based on the above, adequate sight lines will be provided at each of the proposed site driveways.

H-31 Comment

Mitigation (Section IV.H.3.): Based on our review, there is a safety concern in the location proposed for the School bus stop on NYS Route 22. The bus would need to slow from a high rate of speed and cross over the solid white line for the free right turn from North Castle Drive. The Applicant should evaluate alternative locations, one being where the County Bee-Line bus stop is shown.

For the proposed NYS Route 22 crosswalk from North Castle Drive to NYS Route 128, a build with improvement capacity analysis should be performed with the addition of a pedestrian concurrent phase during phase 3 with appropriate walk and do not walk timings, as well as pedestrian calls. Review of the site plan indicated that the sidewalk from the site does not connect to the proposed crosswalk. This connection should be provided as well as a proper landing on the north side of the intersection.

(Michael Galante, Frederick P. Clark Associates - July 10, 2019)

H-31 Response:

There is no school bus stop or crosswalk proposed for Route 22. In addition, there is no sidewalk proposed along the site's frontage. See also response H-1.

H-32 Comment

Recommended Mitigation - Based on a detailed review of the results of the traffic analysis and specifically traffic-related conditions along the existing North Castle Drive from the signalized intersection at NYS Route 22 to the IBM access gates, it is recommended that the Town and the Applicant consider the attached modifications to pavement markings and traffic control signing along North Castle Drive to improve circulation and overall safety with access to the proposed Eagle Ridge development.

Under existing conditions this access drive is only used by IBM-related traffic and includes a reverse-flow configuration, with minimal traffic control signing, which indicates that the center lane is only used inbound generally between 7:00 to 9:00 A.M. and outbound before 4:00 and 5:00 P.M. However, with the addition of non-IBM-related traffic, which is not related to peak entering and exiting IBM traffic condition, it is necessary to modify pavement markings to a standard configuration so that visitors to the Hotel and residents to the proposed residential development are not confused with a reverse-flow traffic configuration, which is currently minimally marked with pavement markings and signing.

As referenced in the attached Figure 1, it is recommended that standard pavement markings and appropriate traffic control signing for lane use be implemented along the entire length of North Castle Drive. This configuration favors the entering traffic during the morning peak period so that IBM-related traffic does not back up to the signalized intersection at NYS Route 22; however, maintains the three-lane configuration generally to the northeast of the Eagle Ridge site access drive to the signalized intersection with NYS Route 22.

At the approach to the IBM lane gate control it opens up to a two-lane configuration, with a third lane for visitors and deliveries. For exiting movements through the gates, it maintains the two-lane exit configuration; however, quickly transitions into a one-lane exit flow to and just beyond the Eagle Ridge site access drive.

Since IBM generally has a flex-time workday format it is anticipated that the one-lane section can accommodate exiting movements during the peak hour. Any delays along North Castle Drive will be limited to IBM traffic, without negative impacts to the signalized intersection at NYS Route 22.

(Michael Galante, Frederick P. Clark Associates - July 10, 2019)

H-32 Response:

As requested, a signing and stripping plan has been provided along North Castle Drive and is contained in Appendix Attachment H.

H-33 Comment

Based on the Recommended Mitigation (Comment number 10 in our August 12, 2019 Letter), North Castle Drive would be two lanes inbound and one lane outbound from IBM. Therefore, Comment number 8 in our August 12, 2019 letter should remove the last two sentences for the Intersection Sight Distance requirements, as they are no longer needed.

(Michael Galante, Frederick P. Clark Associates - August 14, 2019)

H-33 Response:

Comment noted.

H-34 Comment

As a 25 year resident of North Castle I have not been active in local development issues. I regret not weighing in on the Mariani project but have to comment on the Eagle Ridge proposal. Armonk has had a shortage of parking in town for years and could never absorb a project this size

(Jim Byrne - Undated, 2019)

H-34 Response:

Comment noted. Refer to response H-14.

H-35 Comment

The traffic section speaks in jargon, but common sense dictates that congestion in traffic and lack of parking has been an issue for years, and this proposal won't help. Discarding any hotel traffic, 200+ cars coming into town from Eagle Ridge (no one is walking in hot summer, cold winter, rain, or with young kids - that is fantasy) will ruin Armonk and may make some stay away unless absolutely necessary. Current residents may even forego picking up a pizza at Broadway if it will take 20 minutes and have no place to park. Is this what you want?

(Jim Byrne - Undated, 2019)

H-35 Response:

Comment noted. The DEIS Plan results in the generation of 118 AM and 146 PM peak hours vehicle trips. The FEIS plan reduces trip generation rates to 104 AM and 130 PM peak hour trips. Refer also to Response H-14. As summarized in the DEIS/FEIS Traffic Study and shown on the Level of Service Summary tables, similar Levels of Service and delays will be experienced under future No-Build and Build conditions. Thus, the proposed Eagle Ridge development is not expected to significantly affect the area roadways. Parking in the Armonk hamlet is discussed in Response H-14.

H-36 Comment

We already have huge parking problems in town. Traffic through town can be a nightmare. Downtown is the tail end of Rt. 128 which is a major north/south road that many people who aren't even stopping in Armonk have to use to get to White Plains, 684 and other places. We cannot expand anything downtown. The roads are hemmed in by wetlands and streams. We can't add additional roads, wetlands again. Why put an even greater strain on this tenuous part of town? Don't. It's that simple, just don't.
(Linda A. Fernberg - Undated, 2019)

H-36 Response:

Comment noted. Refer to Responses H-14 and H-35.

H-37 Comment

The proposal admits that all of these tenants and users would have to get to downtown for all of their service needs. The proposal talks about walking across Route 22. No one will walk and everyone will drive and park. This will support retail and its tenants but the impact on traffic and parking needs to be fully analyzed as this could definitely change the character of the hamlet.
(Michael E. Fareri - August 19, 2019)

H-37 Response:

The Town is in the process of studying the existing and future parking needs in the downtown area which will include the potential need of this development. Refer to Responses H-14 and H-35.

H-38 Comment

As noted above, the preliminary cut/fill analysis results in an estimated total of 51,400 cubic yards of material to be exported for the development of the site requiring approximately 3,312 truck trips. The DEIS should discuss any mitigation or proposed protections to maintain the condition of existing surrounding roads including North Castle Drive and NYS Route 22. The applicant may require posting bonds or providing others means of protection.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

H-38 Response:

The FEIS plan drastically reduces the site disturbance impacts. The FEIS plan would disturb approximately 58.7% of the Site (a reduction of 7.4 acres). Only approximately 2,555 cubic yards of excavation is now required (an extremely large reduction of 48,845 cubic yards or 95% when compared to the plan presented in the DEIS). While some of the 2,555 cubic yards of excavated materials may be processed on-site and reused as fill, for the purposes of this analysis, it is assumed that all 2,555 cubic yards would be exported. Utilizing haul trucks with a 16 cubic yard capacity, approximately 160 truck trips would be required to remove this excess material, which will be exported in accordance with all applicable regulations to a suitable location(s). The 160 truck trips required to facilitate the FEIS Plan compares favorably to the 3,312 truck trips required for the plan presented in the DEIS, which has been abandoned. It is projected that the build-out of the Proposed Action will extend over a two-year period, and that material will be exported as the project progresses over the course of that time. This translates into less than one truck trip per week.

H-39 Comment

The proposal includes a sidewalk along North Castle Drive to a bus stop at NYS Route 22 for school children. Although the bus stop is not illustrated on the plans, it is described to include a dedicated pull-off lane from NYS Route 22. The applicant states that they have been working with New York State Department of Transportation (NYSDOT) to refine these improvements.

The bus stop will need to provide a safe, secure location for children to wait, which is protected from vehicles on NYS Route 22. We would question this being a safe and secure location for the school children. The applicant should provide the design plans for the bus stop, as well as crosswalk. The applicant should also elaborate on their discussions with NYSDOT. Byram Hills Transportation Department must be a direct participant in deciding on the bus stop's location and safety features.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

H-39 Response:

The previously proposed bus stop on Route 22, the location of which was recommended by the NYSDOT, has been abandoned.

H-40 Comment

The project will enter off North Castle Drive. The drive enters approximately 400 feet to a loop roadway within the townhome community and approximately 400 feet to a looped driveway around the hotel building. The applicant is proposing an emergency roadway configured within the townhouse community to North Castle Drive, no emergency access is provided to the hotel building. The emergency access is narrow, will be built through a steep rock embankment and appears awkward to maneuver a large emergency vehicle entering the site from NYS Route 22.

We would suggest that the Applicant explore the option of replacing the emergency access road with a boulevard entry roadway, which divided by a wide landscaped island. The boulevard could extend to the townhome looped roadway and to the hotel looped roadway, thereby providing a divided roadway which

could be utilized in emergencies to both the residential community and the hotel facility. We would recommend that any proposed improvements to the emergency access to the site be reviewed by Town emergency service providers.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

H-41 Response:

The site plan has been modified and will provide emergency access to all buildings.

H-42 Comment

Traffic Operations - TIS & Synchro Analysis

(Mary McCullough, NYSDOT - August 7, 2019)

H-42 Response:

General Response - The existing traffic signals along Route 22 evaluated in the traffic study have detection on all approaches which permits the signal to operation under various phases and signal lengths depending on demand. For the purpose of analysis, all conditions use the same phasing/cycle length and maximum/minimum. As part of the permit process each signal may require minor changes and timings. Notwithstanding the above, the Synchro has been rerun with the comments below and other comments by FPC implemented.

H-43 Comment

The Land Use Code (LUC) and Independent Variable(s) were not specified in your trip generation. Please specify the LUC(s) to help us validate your trip generation.

(Mary McCullough, NYSDOT - August 7, 2019)

H-43 Response:

The Trip Generation Table (Table No. 1) contained in the DEIS Traffic Impact Study notes ITE Land Use 310 was used for the hotel and ITE Land Use 220 was used for the multi-family/townhomes. A summary table of the site traffic estimates has

been provided comparing the previously proposed DEIS development plan to the current FEIS Plan with all land use codes noted. See Attachment C of Appendix.

H-44 Comment

W-569 (Route 22 @ I-684 NB Ramps)

- ***NB offramp vehicle volumes do not match TIS figures.***

(Mary McCullough, NYSDOT - August 7, 2019)

H-44 Response:

The Synchro analysis model has been updated.

H-45 Comment

- ***Synchro model shows a 117 second cycle length but this signal is coordinated with W-568 with a cycle length of 90 seconds.***

(Mary McCullough, NYSDOT - August 7, 2019)

H-45 Response:

A review of the signal plans provided by the NYSDOT indicate the above cycle. See General Response – H-42 above.

H-46 Comment

- ***Phase 6 Min Green=0, Phase 6 Veh. Ext=0, Phase 2 Veh. Ext=2. Phase 6 is on Max Recall, Phase 2 on Min Recall.***

(Mary McCullough, NYSDOT - August 7, 2019)

H-46 Response:

See General Response – H-42 above.

H-47 Comment

- ***PHF of 0.97 for all approaches seem high. Please provide the 15-minute counts for verification.***

(Mary McCullough, NYSDOT - August 7, 2019)

H-47 Response:

See General Response – H-42 above. The backup traffic count sheets were included in Appendix “E” of the Traffic Impact Study.

H-48 Comment

- *Traffic Data Viewer shows HV% on ramp to be 14.77. Synchro model shows 4%.*

(Mary McCullough, NYSDOT - August 7, 2019)

H-48 Response:

The HV% are based on actual traffic counts during the peak hour which are included in Appendix “E” of the Traffic Impact Study.

H-49 Comment

W-568 (Route 22 @ I684 SB Ramps):

- *The vehicle volumes are not balanced between signals W-568 & W-569 (Route 22 @ I-684 Ramps). Why?*

(Mary McCullough, NYSDOT - August 7, 2019)

H-49 Response:

The volume imbalances have been corrected in the updated analysis contained in Attachment A and Attachment B of the Appendix. A review of the signal plans provided by the NYSDOT indicates the above cycle. See General Response – H-42 above.

H-50 Comment

W-315 (Route 22 @ Maple Ave/Business Park Dr)

- *Maple Ave & Business Park Dr approaches have max splits of 41 and 26 seconds respectively. Their All-Red time is 2 seconds.*

- *Phases 1 & 5 are on min recall.*

(Mary McCullough, NYSDOT - August 7, 2019)

H-50 Response:

As noted in Comment/Response H-29, the Synchro analysis including intersection #3 has been revised as well as the Level of Service/Queue Summary Tables. See Attachment A of the Appendix. See General Response – H-42 above.

H-51 Comment

W-124 (Route 128 @ Whippoorwill Rod/Maple Ave)

- ***The max splits shown in synchro model are incorrect. This is a 2-phase signal with max splits of 45.5 and 35.5 seconds.***
- ***All-Red clearance is 2 seconds and Vehicle Extension is 2 seconds.***

(Mary McCullough, NYSDOT - August 7, 2019)

H-51 Response:

See General Response – H-42 above.

H-52 Comment

- ***Min Green is not 10 seconds for all approaches.***

(Mary McCullough, NYSDOT - August 7, 2019)

H-52 Response:

See General Response – H-42 above.

H-53 Comment

W-204 (Route 22 @ Route 128/North Castle Dr)

- ***PHF of 0.97 for all approaches seem high. Provide the 15-min counts for verifications.***

(Mary McCullough, NYSDOT - August 7, 2019)

H-53 Response:

PHF is based on actual counts which are included in Appendix “E” of the Traffic Impact Study.

H-54 Comment

- *What is the source of your heavy vehicle percentage? 33% for NB seems very high. Traffic Data Viewer shows 4.69% on Route 22.*

(Mary McCullough, NYSDOT - August 7, 2019)

H-54 Response:

The HV% are based on actual traffic counts during the peak hour which are included in Appendix "E" of the Traffic Impact Study.

H-55 Comment

- *Phases 1 & 5 have max split of 42 seconds. Your synchro model shows 56.*

(Mary McCullough, NYSDOT - August 7, 2019)

H-55 Response:

See General Response – H-42 above.

H-56 Comment

W-522 (Route 22 @ Old Post Road)

- *PHF of 0.97 for all approaches seem high.*
- *Max split for phase 1 is 47 seconds (not 56).*

(Mary McCullough, NYSDOT - August 7, 2019)

H-56 Response:

PHF is based on actual counts which are included in Appendix "E" of the Traffic Impact Study. See General Response – H-42 above.

H-57 Comment

W-154 (Route 22 @ Route 120)

- *PHF of 0.97 for all approaches seem high. Provide 15-min counts for verification.*
- *Phase 3 is not on recall and its max split is 41 seconds (not 36).*

(Mary McCullough, NYSDOT - August 7, 2019)

H-57 Response:

PHF is based on actual counts which are included in Appendix “E” of the Traffic Impact Study. See General Response – H-42 above.

Based on a review of the Synchro files by the Town’s traffic consultant, the Synchro analysis for this intersection (Intersection #1) has been revised as well as the Level of Service/Queue Summary Tables. See Attachment A of the Appendix.

H-58 Comment***W-210 (Route 22 @ King Street)***

- *The SBL phase must be leading (not lagging). And the max split is 42 seconds, not 48.*
- *Max split for King Street approach is 41 seconds, not 27.*
- *There are no pedestrian timings at this signal.*
- *There is 2-second All-Red time on Route 22.*

(Mary McCullough, NYSDOT - August 7, 2019)

H-58 Response:

SBL was changed to leading phase. See General Response – H-42 above.

H-59 Comment

Vehicle volumes are not balanced between signals W-154 & W-210. Through vehicles on Route 22 @ Route 120 should be 0.

(Mary McCullough, NYSDOT - August 7, 2019)

H-59 Response:

The Synchro Analysis model has been updated. The “0” reflected during the AM Peak Hour was based on count data (Appendix E). Note: This movement occurs in the NB Route 120 through movement to Route 22 (see intersection No. 9).

H-60 Comment

Based upon the potential traffic impacts, various traffic signals will require some type of upgrading or improvement (including pedestrian

accommodations). As we progress this project and receive revised SYNCHRO models, we will be in a better position to pinpoint specific items.
(Mary McCullough, NYSDOT - August 7, 2019)

H-60 Response:

Comment noted. As indicated in the General Response, H-42 above, there may be minor signal timing changes required during the permit process.

H-61 Comment

There is no discussion in the DEIS regarding how the traffic generated by this project will impact air quality and/or noise. If the proposed action triggers an air quality or noise analysis, please submit a copy of the report.
(Mary McCullough, NYSDOT - August 7, 2019)

H-61 Response:

The Lead Agency recognized that air quality and noise impacts resulting from the Proposed Action would not exceed thresholds, and as a result, the adopted Scoping Document did not require that air quality or noise be studied in the EIS.

H-62 Comment

The Police Department believes a sidewalk on SR-128, which would connect the proposed crosswalk on SR-22 to the sidewalk that begins at Old Route 22 would be necessary to ensure safe access for pedestrians utilizing the crosswalk.
(Sgt. Thomas McCormak, North Castle Police Department - August 7, 2019)

H-62 Response:

Given the low number of pedestrians and the significant number of comments regarding Route 22 traffic, no sidewalk is proposed along the site's frontage and the crosswalk has been eliminated. See also response H-1.

H-63 Comment

The requested lighting for both sides of SR-22 should also include lighting for the sidewalk on SR-128.
(Sgt. Thomas McCormak, North Castle Police Department - August 7, 2019)

H-63 Response:

No sidewalks are proposed therefore, no lighting is required

H-64 Comment

The Applicant is proposing specific off-street parking standards that are different than that is what in the Town Code. The Applicant should explain why a new off-street parking requirement is proposed and demonstrate that there is adequate off-street parking proposed on the site to accommodate the hotel, apartments, and various retail uses. Additionally, the Applicant should explain where attendees for events at the Banquet/conference rooms will park.

(Sgt. Thomas McCormak, North Castle Police Department - August 7, 2019)

H-64 Response:

The off-street parking for all of the uses proposed in the FEIS Plan conforms to the applicable off-street parking requirements as set forth in Article IX of the Town Code. No modifications to the off-street parking zoning regulations are proposed or necessary.

H-65 Comment

The school bus stop location on SR-22 is not acceptable as all traffic on SR-22 would have to stop when school buses are stopped loading and unloading passengers. This will cause unacceptable safety concerns due to the roadway size and character. The proposed bus stop must be relocated.

(Sgt. Thomas McCormak, North Castle Police Department - August 7, 2019)

H-65 Response:

The bus stop is no longer planned for Route 22. IBM (and developer) will provide easement dedication along North Castle Drive (driveway) which will permit school buses to “come on site.” See also Response H-1.

H-66 Comment

The Applicant should give consideration to providing a designated turning lane from North Castle Drive into Eagle Ridge as during the arrival and departure of IBM employees there is significant traffic volume on North Castle Drive. A study

should be conducted to see if a designated turning lane and acceleration lane for vehicles exiting Eagle Ridge is necessary.

(Sgt. Thomas McCormak, North Castle Police Department - August 7, 2019)

H-66 Response:

The site plan will be modified based on FPC recommendations.

Chapter IV.I

Visual Resources & Community Character

IV. I - VISUAL RESOURCES AND COMMUNITY CHARACTER**I-1 Comment:**

Visual Impacts & Site Disturbance. The proposed grading plan depicts significant disturbance between the proposed townhouse development and the proposed hotel for stormwater management. The proposed disturbance would necessitate removing a significant amount of trees and require disturbance to steep slopes, which results in the removal of the natural buffer between the proposed development and Community Park. The development plan should be revised to preserve natural buffers to the maximum extent practicable and the stormwater basin closest to Community Park should be relocated or adequately mitigated.

(Town of North Castle Planning Department - July 8, 2019)

I-1 Response:

In response to the comments received during the public review of the DEIS, the plan presented in the DEIS has been significantly modified. Under the FEIS Plan the parcel supporting the hotel and multi-family units has been increased from 6.25 acres in size to 15.51 acres, and the townhouse parcel reduced from 26.25 acres to 17.03 acres. Additionally, all of the development has been shifted to the southern portion of the Site, away from Community Park and Route 22. Tightening the development footprint to an impervious surface coverage of 7.8 acres leaves 24.7 acres (76%) of the Site as preserved or restored open space. An uninterrupted, contiguous and enhanced buffer is proposed to remain in place along the entire length of the Site adjacent to Community Park. This wooded and landscaped buffer is approximately 16 acres in size and varies from 170 feet to 510 feet in width.

I-2 Comment:

Visual Impacts. Generally, the NYS Route 22 corridor is defined by heavily wooded frontages and rising topography. The DEIS acknowledges that the hotel will have views from the NYS Route 22 and Main Street intersection. The Lead Agency will need to determine whether the visual impacts of the proposed hotel are acceptable. If not, the Applicant may wish to provide additional mitigation

measures including the relocation of the hotel, providing a larger lot, providing larger setbacks or providing additional screening.
(Town of North Castle Planning Department - July 8, 2019)

I-2 Response:

Under the plan presented in the DEIS, the hotel building was setback from the Route 22 edge of pavement by a distance of approximately 310 feet. Under the FEIS Plan, the hotel has been relocated to the center of the Site. The hotel is now setback from Route 22 edge of pavement by a distance of approximately 880 feet, representing an increased setback of 570 feet. As documented in the project renderings (Figures I-17 – I-21), it is the opinion of the Applicant that the visual impact of the Proposed Action from Route 22 has been significantly improved.

I-3 Comment:

Visual Impacts. The DEIS demonstrates that the hotel will have views from Community Park. The Lead Agency will need to determine whether the visual impacts of the proposed hotel are acceptable. If not, the Applicant may wish to provide additional mitigation measures including the relocation of the hotel, providing a larger lot, providing larger setbacks or providing additional screening.

(Town of North Castle Planning Department - July 8, 2019)

I-3 Response:

Under the plan presented in the DEIS, the hotel building was setback from the Community Park property line by a distance of approximately 80 feet. Under the FEIS Plan, the formerly proposed hotel and apartment building has been abandoned and replaced by two separate buildings; one housing a free-standing limited service hotel and the other housing 59 condominiums. The condominium building is located closest to Community Park, and is setback from the property line by a distance of approximately 170 feet, representing an increased setback of 90 feet. Moreover, the FEIS Plan now includes an approximately 16 acre uninterrupted, contiguous and enhanced buffer along the entire length of the Site adjacent to Community Park. As documented in the project renderings (Figures I-

17 – I-21), it is the opinion of the Applicant that the visual impact of the Proposed Action from Community Park has been significantly improved.

I-4 Comment:

What is the number you said as the height?

(Supervisor Schiliro, Public Hearing - June 26, 2019)

I-4 Response:

The height of the hotel/apartment building in the previous plan presented in the DEIS was 58 feet 6 inches.

The heights of the separate hotel and condominium buildings and in the FEIS Plan is 45 feet, a building height decrease of 13 feet 6 inches. The building height of 45 feet is fully compliant with the existing OBH zoning regulations.

I-5 Comment

What speed was the drive-through simulating?

(Councilman Berra, Public Hearing - June 26, 2019)

I-5 Response:

The video simulation presented during the public hearing was not rendered to reflect any particular travel speed. It slowed down to depict points of interest, and sped up when there was nothing of interest to view.

I-6 Comment

Okay. It speaks last paragraph right before 2, so in the it's the bottom of the page, This landscaping plan not only unifies the site by creating an attractive development with abundant visual interest internally, but also recognizes that Eagle Ridge will be visible from Community Park, and creates a unique visual interface from that perspective as well. I'm not sure what that means.

(Councilman Berra, Public Hearing - June 26, 2019)

I-6 Response:

The FEIS Plan represents a significant modification to the proposed development of the Site. In the plan presented in the DEIS, the distance between the hotel and Community Park was comparatively narrow, and landscaping and site design elements were proposed in recognition that the development would indeed be visible, but would be attractive and visually appealing.

Based on comments received during the review of the DEIS, it was apparent that maintaining a deep wooded buffer was a priority, and the plan was modified accordingly. See response I-3.

I-7 Comment:

Right. But there is -- there are various ones in the Other Alternative section. And it really shows very clearly, for instance, on Roman numeral V-8, Roman numeral 5-8, this really goes the full length of IBM Park, and the height is just astonishing. This changes the very nature of the view from IBM Park. It's going to be high. Right now you don't see anything but trees there, by and large, and greenery. I think that needs to be given massive attention. It is a huge change. It's not just fitting in, in a unique way. It's an entirely disruptive way. I think it is totally detracting from the quality of this town and what people like here.

(Councilman Berra, Public Hearing - June 26, 2019)

I-7 Response:

See response I-1.

I-8 Comment:

I agree with Barbara, that we really need to look at something that's much smaller in scale. This is just way too big for this Town. I think it looks beautiful in a lot of ways. I do share some concerns, just even if it weren't here, about how the units are so close together in terms of the townhomes. But the scale of this just is extreme. And I don't think this statement really addresses the magnitude of the impact that this would have.

(Councilman Berra, Public Hearing - June 26, 2019)

I-8 Response:

See response I-1.

I-9 Comment:

The -- just touching again on the height and the scope of this. When they studied in here what the size of the 300-unit hotel would be, it was three stories. And I think immediately it changes what those sight lines are. Those pictures are very helpful, those renderings are very helpful. But if there was something on that property that covered much less acreage and drops two stories, the sight lines are going to change dramatically, and you may not even see it.
(Supervisor Schiliro, Public Hearing - June 26, 2019)

I-9 Response:

Comment noted. See response I-1. The height of the tallest buildings in the FEIS Plan will not exceed 45', which is fully compliant with the existing OBH zoning provision.

I-10 Comment:

The other thing was that Frank Lloyd Wright had a -- has a philosophy about ridge lines. You never build on the ridge line. You always respect it. And it's something just to throw out there for information to whoever wants to accept it.
(Mr. Woodyard, Public Hearing - June 26, 2019)

I-10 Response:

Comment noted.

I-11 Comment:

Barbara, you were talking about -- and Steve was, too, about the IBM Park and looking up at it. I was out there last week as we were getting ready for the art show -- what can I tell you, I'm in the shed, and I'm looking up at this thing and saying, Holy cow, there's going to be this whole huge building up there. And you've got this bucolic, wonderful place for kids to go, and they can feel safe, secure, and embraced by nature and having a good time, and meanwhile you've got this kind -- this huge thing -- If you want to get a comparison to this, go down

to Bronx, go to Van Cortlandt Park and see all the city buildings that are just lining this whole area where all these people play and all these -- all these recreation fields. And that's -- that image came into my mind when I was sitting there imagining what was there.

(Mr. Woodyard, Public Hearing - June 26, 2019)

I-11 Response:

Comment noted.

I-12 Comment:

And you also mentioned that you were talking about it as being a five-story building. Actually, with the parking, there it's a seven-story building. Am I wrong on that? Yeah. So it's going to be a seven-story building that you're going to be seeing from it. And I don't even think the ones on Van Cortlandt Parkway are that tall. Some of them might be. The other thing that's getting me is the height difference in this new construction of that five-story. What's been going down in Business Park, it's been kind of an accepted three-story idea. And this was kind of inconsistent with that.

(Mr. Woodyard, Public Hearing - June 26, 2019)

I-12 Response:

The hotel/apartment building presented in the DEIS was 5-stories in height. Two levels of below ground parking were proposed, that would by definition, not be counted as stories. See response I-1.

I-13 Comment:

And I really like Barbara's idea of flipping it. I think that the one thing that -- after I saw the pictures here, I was stopped at the light at 22, the Eagle's to the left, I'm looking straight ahead and the ridge is up there, and I'm sitting there going, Holy cow, there's going to be a huge, huge building there. And as tasteful as it's going to be, it's still going to be coming -- it's going to be staring right at you. And I would like that to be kind of blunted and lowered a little bit.

(Mr. Woodyard, Public Hearing - June 26, 2019)

I-13 Response:

Under the FEIS Plan, the building height of the hotel and condominium buildings have been reduced from 5 stories and 58.6 feet to 4 stories and 45 feet, a reduction of 13 feet 6 inches. While the buildings are each 4-stories, one in excess of what is currently permitted in the OBH zoning district. Both are fully compliant with the 45-foot height limitation. Additionally, the buildings have been relocated toward the center of the Site, and farther away from Route 22. The hotel building is now proposed to be setback from the Route 22 edge of pavement by a distance of 880 feet, compared to the 310 foot setback previously proposed in the DEIS, and increased setback of 570 feet.

I-14 Comment

But right now, you have everything green, all these deciduous trees and weeds that are five feet tall, et cetera. And I really would like to see a visual of the proposed project, as well as what Steve D'Angelo and I are proposing in black and white -- in color, I mean, but when it's winter, when we're not going to have the leaves on the trees, we're not going to have the, you know, five, six, feet tall weeds. I'd like to just see that visual. I think that -- SUPERVISOR SCHILIRO: Of what's currently proposed? COUNCILMAN DiGIACINTO: Of what's currently proposed, as well as what Steve and I are asking, you know, flipping it. (Councilman DiGiacinto, Public Hearing - July 10, 2019)

I-14 Response:

As described more fully in the Chapter I of this FEIS, the Proposed Acton has been significantly modified, as recommended by the Town Board. Visual simulations are presented in Figures I-17 – I-21.

I-15 Comment

I would think the same thing with the current zoning, which is why we wanted to put that into the record. What was envisioned where that building would be with the 300-room hotel, placement of it, and what those sight lines would look like. (Supervisor Schiliro, Public Hearing - July 10, 2019)

I-15 Response:

As fully documented in the DEIS, and the JC Capital Advisors Marketing Study, a 300-room hotel is not an economically viable alternative, and as such, is not an alternative the Applicant is willing to consider. Incurring the expense of modeling an alternative that the Applicant will not build, is an unreasonable request.

I-16 Comment

*With respect to height, I would like an elevation from the ballfields in the IBM park to the top of these buildings. The fact that the site sits high above Route 22, and even higher above the park, exacerbates the look of the project.
(Michael E. Fareri - August 19, 2019)*

I-16 Response:

Refer to the visual simulations, Figures I-17 – I-21.

Chapter IV.J

Community Facilities & Services

IV. J - COMMUNITY FACILITIES & SERVICES**J-1 Comment:**

Fire Protection. 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. (Town of North Castle Planning Department - July 8, 2019)

J-1 Response:

The preferred alternative has been revised so that it is compliant with the existing 45' height limitation contained in the OBH, which should alleviate the need for a ladder truck. With respect to the increased call volume, the preferred alternative has been revised to eliminate forty-four townhouses and twenty-two condominiums, with an increase of twenty-four hotel keys. This net reduction will bring the call level in line with the as-of-right development of the property.

J-2 Comment:

Another main concern, again, is the fire issue. Unfortunately, I can tell you that I've been in false alarms in my home, three-bedroom house. I've been in false alarms in big hotels. I have a false alarm in my house, they send out one truck and a police car and the chief comes out there. The hotel I was in was in downtown Boston, 3:00 in morning, the alarm wouldn't go off. They sent five trucks, seven police cars. We don't have that type of capability here. So to say that a building of 91 hotels and 70 apartment buildings, five stories tall, even if it's a false alarm, to say that it's going to have minimal impact, even if nothing happens, just the response of the people that have to come out to do that, I think that needs to be looked at a lot closer.

(Councilman Berra, Public Hearing - June 26, 2019)

J-2 Response:

Comment noted.

J-3 Comment:

Just to piggy-back on Barry's comment, looking at the hotel, I question if we have a fire truck that has a ladder that could respond. So, I think that, you know, you need to study, you need to look at the equipment that our fire department has and evaluate what a project like this would need and what the cost would be and who would bear that cost. I think that's very important.

(Councilman DiGiacinto, Public Hearing - June 26, 2019)

J-3 Response:

See response J-1.

J-4 Comment:

The comment that was being made before about the fire trucks, how it only would require 11 percent more, something, and it's not the responsibility of the Applicant to pay for a fire truck. The reality of it is our fire department doesn't have equipment that could reach to these levels and doesn't currently have a need for it. Even though it might be desirable in some ways, it doesn't have the necessary ladder truck to do that. So I would have some concerns about this.

(Councilman Berra, Public Hearing - June 26, 2019)

J-4 Response:

See response J-1.

J-5 Comment:

I meet with the school board -- superintendent and members of the school board once a month. Almost every meeting I have with them, I put on the agenda development in town. I get their information as far as -- I actually have it here -- as far as what their school populations are from the past and looking forward. So we always know what that is. They've studied for us what their current population is. I've also established with them what their facilities can hold, as we've learned through a prior application that would have impacted the North White Plains part of the town and the Valhalla School District, where their facilities are very, very tight, where our facilities, after the expansion years ago, can hold more students. So I'm not saying you fill up the entire school. But the

reality is their peak, housing stock in town, was established, I think, by the one of the representatives. They are hovering around 2300 kids now. But their facilities can hold about 3300 kids. I'm not saying you get to 3300, but the point is if they have the facilities, then you're talking about variable costs. So, if they have -- if the population does increase, they are increasing the variable costs, meaning teachers. So, I just wanted to make sure that people understood, when this comment about school kids will only increase the cost for the schools in taxes, they have the facilities; it's variable costs related to additional school kids.
(Supervisor Schiliro, Public Hearing - June 26, 2019)

J-5 Response:

Comment noted.

J-6 Comment

There was some comment from the fire department that they would need a ladder truck, and I believe a response in the DEIS was that, Well, we're paying a lot of taxes, so that means that they should buy their own ladder truck. But that doesn't recognize the reality of the situation. There are tax caps in the town, and I believe a ladder truck costs about \$900,000, and they just cannot manage that because this would accelerate the need for it. And incrementally, it's probably the only property, if it were approved in this way, that the DEIS looks at it for what it is, five or seven story building, however you want to count. So I think it's something that needs to be addressed more realistically. And I think there was a statement also in the DEIS that it wouldn't meaningfully increase the demand on the fire department. That's not the -- at least the Armonk fire department's perspective, as I understand it.

(Councilman Berra, Public Hearing - July 10, 2019)

J-6 Response:

See response J-1.

J-7 Comment

I guess I'd want a more concrete response as to what can be done in terms of assisting with the fire truck, because it's just not practical; the fire department's

not going to be able to acquire -- they are saying it flatly, and I totally believe them. It really is the notion of additional equipment being needed, it might benefit the town in some way to have a ladder truck, but they wouldn't absolutely have to have it absent that.

Also, I'd like to have you consider more closely the statements that were made in here about not being -- I don't have the exact comment, but not being such a big imposition on the fire department, there's such a drain on the fire department resources in terms of personnel, because they have serious concerns about that.

(Councilman Berra, Public Hearing - July 10, 2019)

J-7 Response:

See response J-1.

J-8 Comment

Another thing that has been mentioned is that -- and I think needs to be addressed and studied, is the proximity that's referred to the park, Community Park, because due to that proximity, it will be less room for the fire department to operate. I think even in -- where the townhouses are, I forget how many there are, 92 or something, and also the concern that fire could spread easily from such a huge structure into the other parts, and also to the woods that would be left, the greenery barrier.

(Councilman Berra, Public Hearing - July 10, 2019)

J-8 Response:

The FEIS Plan proposes an uninterrupted, contiguous and enhanced buffer along the entire length of the Site adjacent to Community Park. This wooded and landscaped buffer is approximately 16 acres in size and varies from 170 feet to 510 feet in width. Under the FEIS Plan, the closest townhouse to Community Park is 275 feet.

J-9 Comment

I'm not sure this was addressed: Is it possible to have sprinklers in a structure like this? It's something we've spoken about before. Is that something that's contemplated?

(Councilman Berra, Public Hearing - July 10, 2019)

J-9 Response:

Both the hotel and the multi-family condominium building will be fully sprinklered.

J-10 Comment

Height of the buildings and the Fire Department. To train volunteers to save people, find water, spread water hoses and extinguish fires is complicated but an easily understood process. When a building height requires an aerial apparatus (today a bucket to remove people above a fire with a remotely operated water nozzle and trained personnel creates a much more complicated situation). First, a Chief or Assistant Chief (paid) has to arrive first followed by the aerial apparatus with a (paid) operator before the area is covered with fire hoses.

(Arnold B. Alison - August 5, 2019)

J-10 Response:

Comment noted.

J-11 Comment

The original estimate for additional call volume provided was 81-90 additional alarms. Contrary to the applicants statement that the impact of the development is not considered significant, it is the opinion of the fire department that a 10% increase in alarms would be considered significant and will have a significant impact on the department and membership. A recent development in Chappaqua, Chappaqua Crossing, which is significantly smaller than the proposed development with only 69 apartments and 5 businesses has generated an additional 71 fire and EMS calls in 6 months. Although we believe the estimate for additional call volume to be accurate, a faulty alarm system or

other issues could lead to dramatic increase in total calls, significantly greater than expected.

(Phil Goulet, Armonk Fire Department - Undated, 2019)

J-11 Response:

Comment noted.

J-12 Comment

The applicant cited information from the Urban Land Institute's Development Handbook from 1994. It should be noted that this handbook is currently out of print and over 20 years old. Construction techniques have changed significantly since this book was published and it does not appear to give an accurate representation of personnel needed. It has now been shown that newer construction techniques only allow 3-4 minutes for someone to escape a home. faster, and as a result require more personnel.

(Phil Goulet, Armonk Fire Department - Undated, 2019)

J-12 Response:

The Urban Land Institute's Development Handbook remains the standard reference. The Applicant is unaware of a more recent reference.

J-13 Comment

The table provided by the applicant (IV.J-8) column 1 lists the number of "police personnel", however the right column indicates that that calculation was used to calculate fire personnel. Based on this chart it is unclear as to what it is actually supposed to represent. Assuming the chart is meant to represent fire personnel, it is impossible to have an increase of staff.⁸ thus we would require an additional member. This chart also does not take into account EMS personnel, or the fact that the department is volunteer. Using the provided chart, and assuming a population in Armonk of 6,000 people the department would require 9.9 fire personnel. The fire department, would not be able to function and provide 24 hour coverage with only 10 members (paid or volunteer). The chart also concludes that with a population of 6,000 people, the department would only need 1.1 fire apparatus. The utilization of the Urban Land Institute's

Development Handbook used by the applicant does not appear to provide an accurate representation of today's fire service or of our community. As a result, this should not be used to determine department impact. The department maintains that Eagle Ridge will have a significant impact on the department. (Phil Goulet, Armonk Fire Department - Undated, 2019)

J-13 Response:

Comment noted. See response J-12.

J-14 Comment

As the applicant noted, we do not currently possess a ladder truck. The additional call volume would require additional mutual aid until such time that that the fire department can purchase one. The construction of this large development, specifically with livable spaces greater than 3 stories will surely overwhelm the current apparatus and may impact other fire departments in North Castle, as they are some of our mutual aid partners. As a result, the District would need to obtain funding to acquire an apparatus with a 100' aerial device in order to provide the residents of Armonk the highest level of protection. Current costs for ladder trucks are estimated to \$1.2 million. The additional tax revenue generated by the Eagle Ridge Development is minimal and would not have any sizeable impact with assisting the department to purchase the required apparatus. (Phil Goulet, Armonk Fire Department - Undated, 2019)

J-14 Response:

See response J-1.

J-15 Comment

The applicant stated that transponders will be provided to the fire department for gate access. In addition to transponders, the department should be provided with a code to access the gate, as well as a solution such as "Siren To Enter". In the event of an emergency, there will be additional emergency vehicles accessing the site that do not have transponders. (Phil Goulet, Armonk Fire Department - Undated, 2019)

J-15 Response:

The FEIS Plan no longer proposes a gated site entry. However, if gates are later proposed, “Siren to Enter” remote access will be provided and the Fire department provided with access codes.

J-16 Comment

In previous discussions with the applicant, the fire department advised that along with the sprinkler system for the hotel, the applicant should consider sprinkler systems for all residential townhomes. The applicant advised that sprinkler systems throughout the commercial structure will be installed as per the building code but did not mention any sprinklers being installed in the residential townhomes. With the density of the townhomes, there is an increased risk that fire can spread from one building to another. Residential sprinklers have been proven to increase safety and decrease property loss.

- *Civilian death rate was 81 percent lower in homes with fire sprinklers than in homes without them.*
- *Average firefighter injury rate was nearly 80 percent lower when fire sprinklers were present during fires.*
- *When sprinklers were present, fires were kept to the room of origin 97 percent of the time.*
- *The home fire death rate was 90 percent lower when fire sprinklers and hardwired smoke alarms were present. By comparison, this death rate is only 18 percent lower when battery-powered smoke alarms are present but automatic extinguishing systems weren't.*

According to the Home Fire Sprinkler Coalition, the average cost to install sprinklers in new construction is \$1.35 per square foot. Based on the overall projected selling price for the townhomes, it appears as if this cost is negligible and would significantly increase safety for the residents of Eagle Ridge.

(Phil Goulet, Armonk Fire Department - Undated, 2019)

J-16 Response:

The Applicant will comply with all applicable Building and Fire Code requirements in the townhouses.

J-17 Comment

Many affordable housing programs provide substantial benefit to lower income individuals and families. Previously, the department advised that this development will not be affordable for younger volunteers to stay in the community. Live-in programs are becoming a popular retention and recruitment tool for volunteer departments, specifically those in high cost of living areas. Both Purchase Fire Department, and Pound Ridge Fire Department operate a substantial “live in” program where members live full time either at the firehouse or in nearby apartments or houses. These programs have proved highly beneficial for the departments. In some cases, they have even contributed to lowering the fire departments insurance rating, thus lowering home owner insurance rates for all the residents of the town. The applicant indicated that the affordable housing units provided as a result of this development will allow for fire department members to stay in the area at a reduced cost of living. Unlike the past town of North Castle “Middle Income Units” which awarded fire department members and other town employees points to have a better chance of purchasing a unit, these units will be part of the Westchester County run program. The owners / renters of these units will be determined via a County wide lottery system. Essentially creating an equal chance for a non-fire department member to be awarded a unit versus a fire department member. As the fire department would not have any input as to who would be awarded these units, and no preference is made to current volunteers, they cannot be used as a recruitment or retention tool and do not satisfy the department’s request. The affordable units discussed by the applicant would have no impact on the department.

(Phil Goulet, Armonk Fire Department - Undated, 2019)

J-15 Response:

In the past, the Town of North Castle had utilized a middle-income unit program whereby sales and rental prices were controlled, and certain “priority” criteria were established to determine who received first opportunity to purchase/rent these units. For example, a local resident was awarded a point value of 5, a ten-year resident was awarded a point value of 10, a volunteer fire fighter was awarded a point value of between 5 and 8, etc. However, the Town of North Castle moved

away from the middle-income unit program when it adopted the Westchester County Affordable Housing Model Ordinance, which is codified in § 355-24(l) of the North Castle Zoning Code. Pursuant to the North Castle Code, in any residential development in excess of 10 units, no less than 10% of the units must be created as affordable AFFH units. Furthermore, the code specifically provides that “[n]o preferences shall be utilized to prioritize the selection of income-eligible tenants or purchasers for affordable AFFH units.” The maximum rent and sales price of an affordable AFFH unit is established in accordance with the U.S. Department of Housing and Urban Development Guidelines as published in the current edition of the Westchester County Area Median Income (AMI) Sales and Rent Limits available from the County of Westchester. The rental and sale of AFFH units is implemented and overseen by the County of Westchester.

The applicant has no discretion or authority to modify how AFFH units are awarded.

J-16 Comment

*It should be noted that from the time I met with the attorneys who were conducting the Environmental Impact Study, the scope of the project has changed. It appears that the hotel will be smaller with more apartments than had originally been articulated. I note this only because the change from hotel space to apartments could potentially increase the number of school-age children who would be attending Byram Hills. The study estimates increased enrollment to be only 54.2 students for 70 rental apartments and 94 three-bedroom townhouses. I am hoping that Cleary Consulting can clarify the anticipated number of students from this project as that would be helpful to the District.
(Jen Lamia, Ed.D. - July 30, 2019)*

J-16 Response:

The FEIS Plan proposes a reduction in the number of residential housing units from the 164 units envisioned in the plan presented in the DEIS (70 rental apartments and 94 townhouses) to 59 condominiums and 50 townhouses in the FEIS Plan, or a total of 109 units (a reduction of 55 dwelling units). The reduction of the number of dwelling units will result in a corresponding reduction in the

number of school-aged children generated from the development. Under the plan presented in the DEIS, 53 school-aged children were projected, while 22 school-aged children are projected under the FEIS Plan, a reduction of 31 students. The projection of 22 school-aged children consists of 10.5 students from the multi-family condominiums and 11.5 students from the townhouses. It should be noted that the townhouses are proposed to be age-restricted to adults 55 and above. As a result, the 11.5 school-age children attributable to the townhouse portion of Eagle Ridge represents an extremely conservative estimate. In fact, it is probable that no school-aged children would be generated from the age-restricted, senior townhouse portion of the Proposed Action.

J-17 Comment

The report also states “According to Superintendent Lamia, the overall cost per student in 2017-2018 was \$37,121.96 (p. IV.J-5). This information was not provided by me.

(Jen Lamia, Ed.D. - July 30, 2019)

J-17 Response:

Comment noted. The source of the data was the NYSED Student Information Repository System (SIRS).

J-18 Comment

Also, of note is that the report indicates that North Castle Drive is a private road and will not be utilized by buses. Instead, the proposal states that school bus drop-off and pick-up will occur adjacent to the tennis bubble in Community Park. The proposal contends that two paths will be created from the residences to the tennis bubble. Policy 8410 for Byram Hills specifies:

The maximum distance on public roads which students may be expected to travel from their legal residence to their approved bus stops are as follows:

Elementary (K-5) - .5 mile

Middle/High School (6-12) - 1.0 mile

I include this information so that the study is sure to address the District busing policy, the safety of students traveling on a path to your proposed bus stop, and state laws regarding school-determined bus routes.

(Jen Lamia, Ed.D. - July 30, 2019)

J-18 Response:

The FEIS Plan proposed to provide an on-site school bus stop in a location to be determined by, and in accordance with the Byram Hill School District busing policies. An easement will be provided along North Castle Drive to permit school buses to access the Site.

J-19 Comment

Twenty-five years ago, when the townhouses on Old Route 22 were built, the developer stated that there would only be a dozen or so children who would live there because it was designed for older residents. This of course was a joke and the surge of young children resulted in a \$50 million bond to expand the schools. The lesson is to be wary of claims by developers, and those who don't remember the past are condemned to repeat it.

(Jim Byrne - Undated, 2019)

J-19 Response:

Comment noted.

J-22 Comment

The site cannot handle the water runoff and the town cannot supply the water consumption needed for the project. Fuzzy statements that the developer "would work with the town" and possibly "make some financial contributions" is insufficient. Once built, the responsibility for the runoff shall be the management of the townhouses and hotel. Will they have the financial ability to address a problem if things go wrong? Why should existing taxpayers "the District" fund in any manner upgrades needed for a project that is a detriment to the town, and be on the hook if the management can't finance the necessary maintenance or repairs?

(Jim Byrne - Undated, 2019)

J-22 Response:

A stormwater management plan has been developed for the Proposed Action that fully conforms to the requirements of Chapter 267 of the Town Code (Stormwater Management) and the New York State Department of Environmental Conservation State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges for Municipal Separate Stormwater Sewer Systems. The rate of runoff from the Site post development will be equal to or less than the current condition.

The FEIS has a water demand of 34,980 gpd. The Applicant had discussed making a financial contribution to cover the costs of exploratory drilling for a new well source and, if successful, installing new production wells. However, subsequent to the submission of the DEIS, the Applicant identified a parcel of land on Business Park Drive that had a well producing 115 gpm. Instead of contributing to exploratory drilling to locate a new well source, the Applicant purchased the Business Park Drive property and plans to donate it to the Town as part of its Community Benefits Agreement.

J-23 Comment

The population projections for projected police service level increase appears to include only residents. The population projections should account for all people who will utilize the property, including dining/retail/entertainment offerings (restaurant/bar/pool/banquet and conference rooms). The Applicant should provide additional information regarding how the total usage of the property was calculated.

(Sgt. Thomas McCormak, North Castle Police Department - August 7, 2019)

J-23 Response:

The revised FEIS Plan proposes 109 new dwelling units supporting a population of 228 residents, 186 fewer residents than proposed in the plan presented in the DEIS.

Additionally, the size of previously proposed hotel and its ancillary amenity spaces have been reduced as well. Under the FEIS Plan, the hotel would include

115 guest rooms as well as a 135-seat restaurant, a 45-seat bar and a junior ballroom accommodating 100 guests.

The reduction in the project scope under the FEIS plan reduces the demand on police services from 1.0 police personnel, 0.32 police vehicles and 106 square feet of police facility space, to 0.74 police personnel, 0.22 police vehicles and 74 square feet of police facility space.

J-24 Comment

In an effort to mitigate potential impacts on Police resources, it would be beneficial if the site contained full time security personnel on site monitoring access to the property, the hotel rooms, apartments, bar, pool, etc. The Applicant should indicate whether such private security is anticipated to be provided.

(Sgt. Thomas McCormak, North Castle Police Department - August 7, 2019)

J-24 Response:

Specific hotel security measures cannot be established until a hotel operator is selected. However, it is expected that the hotel would incorporate state-of-the-art security measures including:

1. Security camera system with monitoring and recording on a 24 hour a day, 7 day per week basis. Cameras would cover substantially all of the publicly accessible areas and back of house areas. Areas monitored shall include all exterior doors, lobby level lounge, bar, restaurant, guestroom floors, kitchen areas, loading docks, housekeeping closets and laundry staging areas, parking garage and surface parking area.
2. Security guards would monitor the cameras and shall walk the entire building and the premises on a regular basis and more than once per day. Security guards would likely be employed by a third-party contract service but may be employed directly by the hotel management company.

3. Employee background checks and screening is expected to be completed to the extent allowable by law.
4. Group booking policies for guestrooms, meeting rooms, and any public spaces will include coordination with the management team and the security guards and security company so that any time that types of groups which may pose any level of heightened security risk shall be considered and extra monitoring or security may be available on site. Such extra security may include extra private or paid-for police presence in or around larger events which may assist with flow of traffic or movement of people within the building.
5. Front desk staff would receive extra security training to spot, identify, communicate potential issues to the manager on duty and as appropriate with law enforcement.
6. The hotel may have a policy based on the policies and insurance coverage maintained by its management company which would require all hotel staff to enter into each occupied/rented guestroom at least once every 48 hours despite the existence of a "Do Not Disturb" customer request.

J-25 Comment

In an effort to efficiently investigate on-site incidents, the Applicant should indicate whether the property will be monitored by CCTV.

(Sgt. Thomas McCormak, North Castle Police Department - August 7, 2019)

J-25 Response:

See response J-24.

Chapter IV.K

Fiscal & Market Conditions

IV. K - FISCAL & MARKET CONDITIONS**K-1 Comment:**

Second, during the public comment period, resident Ann Dantzig asked a question about the Applicant's ability to obtain financing for a project of this type, and in response Supervisor Schiliro said, "This Applicant, to my knowledge, has never made any comments about issues with financing whatever they're proposing." I was surprised by this response, since earlier during the Applicant's presentation, consultant Johnathan Falik, while describing the transition of Applicant's thinking from a large-scale hotel to a boutique hotel to a hotel plus residentials, said, "we got to a place where it became financeable from a debt financing perspective, equity financing perspective..."

Similarly, in the document entitled "DRAFT North Castle Hotel Model" Mr. Falik's firm summarizes, "Based upon our financial analysis, a 300-room, full-service hotel is not viable and would need a substantial financial subsidy in order to generate acceptable returns for any developer or investor. These returns, as measured by leveraged IRR, would need to be in the 22-25% range. Even with such a subsidy, it would be extremely challenging to obtain debt financing for a hotel that would not be well received and is unnecessary in the market." (emphasis added) The analysis itself includes detailed projections for various debt financing cases.

*I think it's clear that this was discussion regarding the Applicant's ability to obtain financing for "whatever they're proposing" and it's understandable that a resident might be confused and concerned by the reference.
(Jeremy Jacobs - July 3, 2019)*

K-1 Response:

Comment noted. It is understood that the Town has retained its own independent consultant to review the JF Capital Advisors Market Study included in the DEIS. The Town's consultant concluded that a hotel only development at the Site, given the area's construction costs, would not make economic sense.

K-2 Comment:

Third, I was struck during the presentation, and then again during my further review of the Applicant's materials, by the choice of comparable hotels in the feasibility analysis. For obvious reasons, any comparison to existing hotels in our area is severely limited by the paucity of existing hotels. Unfortunately, that restricts the comparison to some unsatisfying comparables - as the Applicant noted, almost all of these hotels are significantly older and many are quite a lot larger than what the Applicant contemplates. I would also add that many of these hotels directly compete with one another, which presumably constrains pricing. The Applicant did not note - but perhaps should have - that the communities in which these comparable hotels are located are themselves not readily comparable to our own. In particular, almost every one of these "comparable" towns has a Metro-North train station, and the communities are significantly larger than Armonk's. I suggest that the Applicant supplement its analysis by looking at hotels in communities that are more properly comparable to North Castle/Armonk, regardless of their proximity to our actual town: that is, identify towns with hotels in, for example, the Hudson Valley, Long Island, New Jersey, Connecticut or Pennsylvania with similar population size and density, similar (lack of) mass transit options, etc., and use those to generate a new set of comparisons.

(Jeremy Jacobs - July 3, 2019)

K-2 Response:

Comment noted. It is understood that the Town has retained its own independent consultant to review the JF Capital Advisors Market Study included in the DEIS. Refer also to Response K-1.

K-3 Comment:

Fourth, the Town needs to have better insight into the process by which the Applicant determined that the best use of this property is a largely residential development with a boutique hotel component, because the timeline is worrisome:

- As the DEIS notes, "The Town of North Castle Comprehensive Plan, adopted in April of 2016, endorsed the subdivision and rezoning of the*

Project Site that took place in 2010 to accommodate an as-of-right hotel use. At that time, it was envisioned that the Site could support a full-service 300 room hotel.”

- The Applicant acquired the property in question in 2017, with what I can only presume was full knowledge of the zoning for this property.*
- The feasibility analysis is dated February 11, 2018, but was presumably commissioned at some time between the 2017 purchase and the publication of that feasibility analysis.*
- Quoting again from the DEIS, “The detailed market analysis conducted by the Applicant revealed that full-service hotel was not a realistically viable development opportunity, however, a smaller boutique hotel was. Because the hotel use must be reduced in scope and scale, it was determined that the Site would need to be subdivided, and alternative complementary uses added to the development to bridge the gap economically.”*
- Or, to quote from a February 16, 2018 article in The Examiner News: “Although the town’s Comprehensive Plan calls for up to a 300-room hotel, research conducted by the potential applicant’s team revealed that development costs are too high to make a full-service hotel feasible, said Jonathan Falik, CEO of JF Capital Advisors, which studied the issue.”*
- Somehow between the date the property was purchased and the date the feasibility study commenced, the economics of the hotel market seem to have dramatically changed in a way that must have come as an unpleasant shock to the Applicant.*

I believe this sequence of events can only be explained in one of two ways: either i) the Applicant purchased the property – which was zoned for hotel use at the time – without having conducted adequate analysis of whether or not hotel use was appropriate and economically feasible OR ii) the Applicant knew that a different use would be financially preferable (to the Applicant) and felt comfortable in the assumption that the Town of North Castle would grant any requested zoning change. If it was the former, the Applicant made a grievous mistake – but not one that is the Town’s responsibility to correct. If it was the latter, the Town may have made a grievous mistake in giving developers the

impression it will accommodate any zoning request, no matter the circumstances.

(Jeremy Jacobs - July 3, 2019)

K-3 Response:

Comment noted. It is understood that the Town has retained its own independent consultant to review the JF Capital Advisors Market Study included in the DEIS. Refer also to Response K-1.

K-4 Comment:

To better understand the truth of the situation, the Town should require Applicant to provide:

- *any financial analysis conducted by Applicant or its agents prior to or in conjunction with the 2017 purchase;*

(Jeremy Jacobs - July 3, 2019)

K-4 Response:

The Applicant has provided the Lead Agency with a Market Analysis with respect to the viability of hotel on the Project Site. Any information used by the Applicant in reaching its determination to purchase the property is highly confidential and proprietary. Furthermore, the information requested is not relevant to the Lead Agency's review of the Proposed Action and its associated environmental impacts. Refer also to Response K-1.

K-5 Comment:

To better understand the truth of the situation, the Town should require Applicant to provide:

- *correspondence, agreements or other materials clarifying when, why and how the decision was made to commission JF Capital Advisors to conduct the feasibility analysis, and the nature of their engagement (i.e., was JF Capital asked to evaluate only the feasibility of the originally contemplated use, and then subsequently alternative uses; or were they charged from the start with looking at the other uses);*

- *any data that shows a dramatic change in the hotel market in our area between the date of purchase and the date the feasibility analysis was commissioned; and*
- *any analysis or correspondence regarding the actual ability of the Applicant to obtain financing, including, but not limited to, communications with potential lenders.*

(Jeremy Jacobs – July 3, 2019)

K-5 Response:

See response K-4.

K-6 Comment

I'm entirely aware that much of this information would be considered confidential or proprietary by the Applicant, but such transparency would be a good demonstration of its good faith to the Town.

(Jeremy Jacobs – July 3, 2019)

K-6 Response:

Comment noted.

K-7 Comment:

Finally, setting aside the specifics of this particular project, I do not believe that it is ever the Town's responsibility to help real estate developers when they make a bad investment decision, or even when adverse economic results cause them financial distress. I spoke at last week's meeting about my long home search, which ultimately resulted in me purchasing a house in Armonk. Part of the reason we took so long to find the right house is that even when we saw a nice property, in an attractive community, at a realistic price, we asked ourselves challenging questions about what could happen in the future. Yes, the vista is lovely, but what if someone erects a new building that blocks our view? Yes, the house is charming, but what if one of us suffers an injury or illness that restricts our mobility, and we can't manage all those stairs? Yes, we could stretch to afford a mortgage now, but what if business is slow at my firm, and we have trouble making the payments?

In effect, we sought to future-proof our purchase against various adverse and unlikely - but not impossible - contingencies. If I had bought my house, and it turned out to be too expensive or have too many stairs or to have failed in one or another way, that would be on my head. I wouldn't be coming to the Town Board to ask for a zoning variance so I could build a movie theater or a restaurant or subdivide my property or erect a 90 room boutique hotel. My property is not zoned for those things, and for good reason. It would be deleterious for my neighbors and for the town to make such an arbitrary exception

(Jeremy Jacobs - July 3, 2019)

K-7 Response:

The Applicant does not believe it made a bad investment nor is it asking the Town Board for help. While petitioning the Town Board to amend and/or change the zoning for a property may seem out of the ordinary for a non-developer, it is standard practice throughout the State. Hence why "Article XIII Amendments" exists in the Town of North Castle Zoning Code. It is anticipated that from time to time someone may petition the Town Board to (or the Town Board may on its own motion) amend the code. The North Castle Zoning Code dates back to at least 1930's. If the code was never amended, many successful projects and businesses in Town would not exist. For example, the Bristol Assisted Living (Business Park Drive), Pleasant Grooming (Labriola Court), and Armonk Square (Main Street) all required some sort of zoning amendment. A Zoning Code is a fluid document that is meant to be modified as times and circumstances change.

In 2006, the Town Board created the R-MF-SCH floating zone to create senior housing. The Applicant is not requesting that new zoning be created, or to rezone the property. Rather the Applicant is requesting that the Town place the floating zone on a portion of the Site, which was how the Town Board envisioned the R-MF-SCH zoning provisions to be employed.

K-8 Comment

We're just homeowners. If we were developing a multi-million-dollar real estate project that required years of approvals and construction and would impact hundreds and hundreds of lives, we would certainly have done at least as

thorough a job forecasting ahead. And we would not burden the town's residents and elected leaders with the responsibility of making good for our own poor judgement. We should expect the same from Messrs. Mariani and Madonna and other prospective developers in our town. Let's start today.

(Jeremy Jacobs - July 3, 2019)

K-8 Response:

Comment noted.

K-9 Comment

So, you've chosen the boutique model, which is your Ritz-Carlton?

(Councilman D'Angelo, Public Hearing - June 26, 2019)

K-9 Response:

Over the years, the idea, definition, and concept of a boutique hotel has shifted considerably. However, a boutique hotel is generally defined as a smaller hotel, typically under 200 rooms, which is in a unique setting and has individualized positioning points. Usually a boutique hotel has a focus on Great Service, Design, Food & Beverage, Innovation, and Customization. Smith Travel Research ("STR") defines a boutique hotel as a property that appeals to guests because of its atypical amenity and room configurations. Boutiques are normally independent (with fewer than 200 rooms), have a high average daily rooms rental rate and offer high levels of service. Boutique hotels often provide authentic cultural, historic experiences and interesting guest services. Select boutique chains in the STR database include the Autograph Collection (Marriott International), Dream Hotels, Standard Hotels, Thompson Hotels (Hyatt), Exclusive Hotels, Joie De Vivre (Hyatt), Kimpton Hotels (Intercontinental), Melia Boutique (Group Sol Melia), Rosewood, and W Hotels (Marriott International).

Under most circumstances, a Ritz Carlton would not be considered a boutique hotel because of its average number of rooms, lack of independence between locations, and strong brand affiliation. Ritz Carlton is actually classified by Smith Travel research as a luxury hotel brand. However, because of the lack of a true boutique competitive set in Westchester, we elected to include the Ritz Carlton

White Plains in our boutique comp set. The Ritz Carlton is the market leader in Average Daily Rate.

Additionally, we took a look at the difference in guest reviews via the website TripAdvisor for smaller boutique hotels in the Westchester area as compared to larger full-service hotels. As you will see in the chart below, the boutique hotels in the area have earned much higher scores than the full-service set. Overall, the area Boutique hotels are ranked 2.4 of 5 on average as compared to the area Full-Service hotels, which are ranked on average 4.5 of 5. Further, boutique hotels have a much higher percentage of 'Excellent' and 'Good' ratings, 59% and 23% respectively, as compared to the Full-Service set of 39% and 28%, respectively.

The higher reviews for the Boutique set is a function of more personalized service and a better value proposition to the hotel guest. The smaller hotel room counts in the boutique set allow for a smaller and more intimate level of service that the full-service set cannot offer. The full analysis is provided in the charts that follow.

Full Service Hotels

Hotel	Rooms	Rank	Excellent	Good	Average	Poor	Terrible	Total Reviews
Hyatt Regency Greenwich	373	N/A	814	498	260	143	92	1,807
Hilton Westchester	445	1/2 in Rye Brook	268	233	177	136	93	907
Sheraton Hotel Tarrytown	150	7/7 in Tarrytown	24	19	8	14	19	84
Marriott Westchester	444	6/7 in Tarrytown	204	273	121	56	44	698
Doubletree Tarrytown	246	4/7 in Tarrytown	741	479	241	133	74	1,668
Renaissance Westchester Hotel	348	N/A	641	273	111	44	28	1,097
Average	334	4.5	449	296	153	88	58	1,044
Hotel	Rooms	Rank	(%) Excellent	(%) Good	(%) Average	(%) Poor	(%) Terrible	(%) Total
Hyatt Regency Greenwich	373	N/A	45.0%	27.6%	14.4%	7.9%	5.1%	100.0%
Hilton Westchester	445	1/2 in Rye Brook	29.5%	25.7%	19.5%	15.0%	10.3%	100.0%
Sheraton Hotel Tarrytown	150	7/7 in Tarrytown	28.6%	22.6%	9.5%	16.7%	22.6%	100.0%
Marriott Westchester	444	6/7 in Tarrytown	29.2%	39.1%	17.3%	8.0%	6.3%	100.0%
Doubletree Tarrytown	246	4/7 in Tarrytown	44.4%	28.7%	14.4%	8.0%	4.4%	100.0%
Renaissance Westchester Hotel	348	N/A	58.4%	24.9%	10.1%	4.0%	2.6%	100.0%
Average	334	4.5	39.2%	28.1%	14.2%	9.9%	8.5%	100.0%

Boutique Hotels

Hotel	Rooms	Rank	Excellent	Good	Average	Poor	Terrible	Total Reviews
Delamar Greenwich Harbor Hotel	82	1/3 in Greenwich	684	137	34	19	9	883
The J House Greenwich	86	2/3 in Greenwich	247	93	38	24	14	416
Hotel Zero Degrees Stamford	97	5/15 in Stamford	401	239	89	29	21	779
Doral Arrowwood	369	2/2 in Rye Brook	353	233	177	112	89	964
Ritz-Carlton The New York Westchester	148	2/7 in White Plains	474	142	45	17	11	689
Average	156	2.4	432	169	77	40	29	746

Hotel	Rooms	Rank	(%) Excellent	(%) Good	(%) Average	(%) Poor	(%) Terrible	(%) Total
Delamar Greenwich Harbor Hotel	82	1/3 in Greenwich	77.5%	15.5%	3.9%	2.2%	1.0%	100.0%
The J House Greenwich	86	2/3 in Greenwich	59.4%	22.4%	9.1%	5.8%	3.4%	100.0%
Hotel Zero Degrees Stamford	97	5/15 in Stamford	51.5%	30.7%	11.4%	3.7%	2.7%	100.0%
Doral Arrowwood	369	2/2 in Rye Brook	36.6%	24.2%	18.4%	11.6%	9.2%	100.0%
Ritz-Carlton The New York Westchester	148	2/7 in White Plains	68.8%	20.6%	6.5%	2.5%	1.6%	100.0%
Average	156	2.4	58.7%	22.7%	9.9%	5.1%	3.6%	100.0%

K-10 Comment

*And how would you characterize the Delamar and J House?
(Councilman Berra, Public Hearing - June 26, 2019)*

K-10 Response:

Both are examples of boutique hotels. However, the J House is an adaptive reuse of a much older building and not a purpose-built building. The rooms are unique, and it has less food and beverage space. Both are true boutique hotels for the reason that they are both small in size (82 rooms and 86 rooms respectively) and offer a high level of individuality and service, which is not easily replicated. Also, the Delamar and J House achieve Average Daily Rates that are significantly higher than the other much larger full-service hotels in the competitive area. As per the JPMDB 2017-C5 securitization information available from service provider Trepp, the Delamar and J House achieved 2015 ADRs of \$315 and \$210 respectively, as compared to the Sheraton Stamford and Hyatt Regency Greenwich which achieved only \$160 and \$140 respectively.

The detail on the Delamar Greenwich Harbor hotel that we have used is provided by a subscription-based service called TREPP. The property's \$35.5 million loan is part of a commercial mortgage backed securitization - JPMDB 2017-C5. In the financial Annex to the securitization prospectus, there is detailed information on

the property and the market, including the historical performance of the property and its competitive set.

K-11 Comment

*Can you explain the multiplier effects? You mean more business in Town?
(Councilman Berra, Public Hearing - June 26, 2019)*

K-11 Response:

New development has an economic impact well beyond simply the jobs and revenue generated by the development itself. A multiplier impact reflects the total economic activity associated with ripple effects and spin-off activities such as spending for construction related goods and services, as well as off-site spending by new residents in all sectors of the local economy.

K-12 Comment

*And what percentage is that of the revenues that are generated in Town already?
(Councilman Berra, Public Hearing - June 26, 2019)*

K-12 Response:

That calculation would be very difficult to derive, and is beyond the scope of this EIS. Nevertheless, it would represent a net economic benefit, and not an adverse impact.

K-13 Comment

I'd also like to see if you could do some type of study at your target audience for the hotel. I'm just in a -- I don't know -- I'd like to know how you think you're going to draw the people. It's not as if -- I was looking at, you know, similar size hotels, and what many of them had that would be in a similar setting, such as Armonk, which -- I mean, I love it, I'm third generation, but it's not an exciting place to live. And I like that. But I just think, you know, what would be the draw? And as I say, the hotels that I looked at that were similar, they had these magnificent spas. They had, you know, outdoor areas for yoga classes, and jogging trails. And they had Michelin one-star chefs. And these are, you know, in existence. And I thought, that I could see, you know, I want to get away from it all. But I don't -- I

just would like to see some type of study that shows how you're going to draw people to the hotel.

(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

K-13 Response:

The Eagle Ridge Hotel expects to generate approximately 65% of its bookings from business users and 35% from leisure users. Of the 65% business travelers, we expect that 30% are part of small groups and out of the 35% leisure travelers, 25% are part of groups. The hotel expects to be attractive for small high-end group meetings, requiring state of the art technology and unique meeting and function spaces. On weekends, the hotel expects to capture wedding and social catering room night blocks from events held on site and those done offsite at other country club and catering facilities in the immediate Westchester area.

Business users will be drawn to the hotel from the multiple companies with headquarters in the region including IBM, Danone, Fuji Film, Mastercard, Aetna, and PepsiCo. Leisure users will be drawn to the hotel as a result of the area's high-end residential demographic including social functions on the weekends such as weddings, galas, bar mitzvahs and various demand generators including medical facilities, universities, and country clubs in the area.

The hotel will not feature a Michelin Star restaurant as the market demonstrates there is inadequate demand for a specialty restaurant of that caliber. The charts below show that the Ritz-Carlton and the Delamar are the only hotels that have specialty restaurants (BLT at the Ritz Carlton and L'escale at the Delamar). None of these hotels have restaurants with celebrity chefs nor do any of them have Michelin Star restaurants. The full-service competitive set shows the Marriott as the only hotel with a spa whereas the boutique comp set shows 3 of 5 hotels that have a spa. Below we will address what is meant by "spa".

Full Service Hotels

Hotel	Rooms	Meeting	Spa	Specialty Restaurant	Michelin
		Space			Star Restaurant
Hyatt Regency Greenwich	373	35,000	No	N/A	No
Hilton Westchester	445	30,000	No	N/A	No
Sheraton Hotel Tarrytown	150	1,452	No	N/A	No
Marriott Westchester	444	26,676	Yes	N/A	No
Doubletree Tarrytown	246	24,000	No	N/A	No
Renaissance Westchester Hotel	348	23,705	No	N/A	No
Average	334	23,472			

Boutique Hotels

Hotel	Rooms	Meeting	Spa	Specialty Restaurant	Michelin
		Space			Star Restaurant
Delamar Greenwich Harbor Hotel	82	2,350	Yes	L'escale	No
The J House Greenwich	86	3,593	Yes	N/A	No
Hotel Zero Degrees Stamford	97	1,000	No	N/A	No
Doral Arrowwood	374	37,600	No	N/A	No
Ritz-Carlton The New York Westchester	146	12,073	Yes	BLT Steak	No
Average	157	11,323			

None of the spas at these hotels are destination spas and their offerings are quite limited. They are offered primarily to “check a box” when evaluated online and to offer potential services in house to brides, bridal parties and the like.

Marriott Westchester: The advertised spa consists of 6 chairs for hair services and only 1 treatment room.

Delamar Greenwich Harbor Hotel: The advertised spa consists of 3 treatment rooms including two couple’s treatment rooms.

J House Hotel: The advertised J Spa consists of 1 treatment room and another room for make-up and waxing.

Ritz-Carlton New York Westchester: The advertised spa at the hotel consists of 6 treatments rooms, a sauna and a relaxation room.

K-14 Comment

I also would like to see if there's some way you can -- I'm a little concerned with the amenities that the hotel is going to offer, which, you know, I understand you have to have amenities. But how is it going to -- are people going to leave the hotel, you know, with your different restaurants, with your bar, with your pool and bar area, with your grab-and-go for, you know, snacks and so on? You know, are you going to, you know, really be containing more people than having people leave the premises and coming to town?

(Councilman D'iGiacinto, Public Hearing - June 26, 2019)

K-14 Response:

The hotel amenities in the FEIS have been substantially reduced. Specifically, the amenity spaces in the plan presented in the DEIS included a 1,842 square foot, 80 seat bar, a 4,156 square foot 160 seat restaurant, a 2,894 square foot, 75 seat piano lounge, a 2nd floor terrace with 150 seats for special events, a 1,732 square foot, 45 seat boardroom, a 4,220 square foot, 165 seat ballroom, and 2,225 square foot, 85 seat junior ballroom, in addition to guest amenities such as a pool, fitness center and sundry shop.

The FEIS Plan proposes a 135-seat restaurant, a 45-seat bar and a junior ballroom accommodating 100 guests. A more modestly sized pool, fitness center and sundry shop are also proposed.

The Eagle Ridge Hotel is fairly small by room count and amenities and is certainly not a destination resort. Some hotel customers will be coming for group meetings or events at the Hotel. Some will be coming for events off site such as graduations, educational programs, weddings, etc. The majority of mid-week

travelers will be corporate business travelers, meeting with large and small companies in the broader market.

The Eagle Ridge Hotel expects to run a periodic shuttle bus from the Hotel for its guests. This Shuttle will make local stops in the Hamlet of Armonk, in addition to any other stops that a guest would like to make. These shuttle bus stops will most likely be restricted to a 5-mile radius but may be extended to include the Westchester Airport as well during peak hours. The Westchester airport is 7 miles from the site. Also, the shuttle bus will stop at the White Plains Train Station during morning and evening peak hours. The use of the hotel shuttle will reduce potential traffic from hotel guest vehicles in the downtown Armonk/North Castle area. Shuttle service is commonly offered in the hotel market and by the competitive set hotels, as many customers will not be arriving with their own vehicles.

As examples, the following chart shows shuttle service by hotels utilized in our Full Service and Boutique Competitive Sets:

Hotels with Shuttle Service

Hotel	Rooms	Shuttle Service	Notes
Hyatt Regency Greenwich	373	Yes	5 mile radius between 9am-10pm
Hilton Westchester	445	Yes	Shuttle to airport and train station
Sheraton Hotel Tarrytown	150	Yes	5 mile radius to anywhere
Marriott Westchester	444	Yes	5 mile radius only to corporate offices
Doubletree Tarrytown	246	Yes	3 mile radius only to offices and train station
Renaissance Westchester Hotel	348	Yes	3 mile radius, to White Plains for airline crew
Delamar Greenwich Harbor Hotel	82	Yes	3 mile radius to anywhere
The J House Greenwich	86	No	N/A
Hotel Zero Degrees Stamford	97	Yes	Shuttle anywhere in the Stamford area
Doral Arrowwood	374	Yes	Shuttle to White Plains airport, 24 hours
Ritz-Carlton The New York Westchester	146	No	N/A

K-15 Comment:

I'm not sure if this is something appropriate for in here, but you were throwing around figures before for what the different hotels have, pretty specific ones for J House, for instance, and the Delamar. I would think that information's proprietary. Is it really that public? So I'd like to understand where that level of detail is coming from so we can evaluate it

*(Councilman Berra, Public Hearing - June 26, 2019)***K-15 Response:**

The information included in the various JF Capital analyses are from a variety of publicly available news sources, some of which are subscription-based services. Additionally, in the normal course of hotel feasibility analysis and hotel program evaluation, it is commonplace and customary to inquire of the owners, operators and brands in the local marketplace, and to obtain property level and market level information. The various sources utilized in our analyses presented in the DEIS and to the Town of North Castle include the following:

- **Various Public Company Financials Filings** - As an example, Sunstone Hotel Investors, a publicly traded Real Estate Investment Trust, owns the Renaissance Westchester Hotel. Each quarter and annually, Sunstone issues financial statements and supplemental disclosures which include individual hotel performance for its hotels.
- **Smith Travel Research (STR)** - The data provided by STR provides the weighted average composite aggregate rooms performance (Occupancy, Average Daily Rate, Rooms Revenue) of a selection of hotels that an owner/developer or investor chooses for its competitive set. In our analyses, we have created three separate competitive sets to evaluate feasibility of the Eagle Ridge Hotel, these comprised of the limited service, boutique, and full-service sets. For each of these competitive sets, the STR reports provide us with the weighted average historical performance of the composite over time.
- **Kroll Bond Rating Agency (KBRA)** - KBRA is a credit rating agency. KBRA publishes research and analyses that are available to the public domain free of charge. KBRA is registered with the U.S. Securities and Exchange Commission. The KBRA reports detail information on the particular securities as well as individual hotel data including profit and loss

performance information for each asset included in the security.

- **TREPP** – TREPP is a subscription-based service which JF Capital subscribes to, which provides analytics, and technology solutions to commercial mortgage-backed securities. In the reports generated from TREPP, we are able to obtain the historical financial performance of any Hotel entered into a commercial mortgage backed security pool. This information varies by securities issuer, but generally includes debt and capitalization metrics, valuation including cap rates, historical profit and loss statements, information on the competitive set, and a general hotel market overview.
- **CBRE** – CBRE produces various hotel market information for purchase each year. CBRE produces the Hotel Horizons report on a quarterly basis which analyzes the historical and projected performance of 60 major U.S. lodging markets and provides a national summary on the entire lodging industry. Twice a year the firm also produces the North America Cap Rate survey which reveals cap rates and pricing trends on all major property types in major markets across the U.S. and Canada.
- **Real Capital Analytics (RCA)** – RCA is a subscription-based web service which JF Capital subscribes to, which provides detailed sales prices and debt financings information of a specific property or transaction.

K-16 Comment:

The feasibility study, which was very comprehensive, that Mr. Falik had prepared, the thing that still – I'm still scratching my head with is most hotel developments are just that, a hotel. And this one requires, based on the numbers, an apartment component to it. I'm still puzzled by that
(Supervisor Schiliro, Public Hearing – June 26, 2019)

K-16 Response:

The FEIS Plan reflects a significant modification to the proposed development of the Site. Refer to the Description of the Proposed Action in Chapter I. The Hotel alone is not financially feasible as the achievable ADR and occupancy is insufficient to drive a strong enough return on investment capital. The restaurant and bar are insufficient on their own based on hotel guests and support from the local market. The introduction of residential units into the same project create the following benefits and facilitate acceptable financial returns:

- The condominiums will ramp up much faster than hotel operations and stabilize well north of 90% occupancy, whereas the hotel will take longer and its occupancy will stabilize at a substantially lower occupancy, assumed to be 72.5% in year 3.
- Condominiums operate and stabilize at a substantially higher net operating income margin. Based on our projections the residential units run at a 53.8% year 3 NOI margin and the hotel will run at a year 3 NOI margin of 18.2%. This is due to the fact that the condominium customer acquisition costs are substantially lower and the required staffing for the apartment building is substantially low.
- Condominiums command mortgage debt financing at substantially lower interest rates and at lower cap rates than hotels, due to reduced volatility and minimal labor costs. Without the condominiums and their residents supporting the hotel construction and amenities, the hotel would not be financially feasible.

Many hotel developments in areas with extremely high land costs and high construction costs are provided significant grants, abatements or rebates of occupancy taxes, sales taxes and property taxes in order to generate an acceptable return on investment. These municipal grants, abatements, and rebates may substantially reduce the cash outflows of the hotel and may stay in total or in part for up to twenty years.

It is highly common for hotels developed today in urban and high-end suburban areas, at the full service four star and above level to have mixed use components, including retail and residential. This allows a developer to create complementary uses. A near-by example of this is the Ritz Carlton in White Plains which has a hotel component and a sizeable residential condominium component. Similarly, the restaurant at the Delamar is subject to a third-party lease.

K-17 Comment:

Between 287, really, in White Plains, and Danbury, there's La Quinta and then Holiday Inn in Mount Kisco. There's not too much else. Which also leads to the curiosity of why a larger hotel, as originally thought by IBM, would not work through the feasibility study.

(Supervisor Schiliro, Public Hearing - June 26, 2019)

K-17 Response:

The IBM proposed Land Use Concept Plans with 300 contemplated rooms is inconsistent with how full-service hotels are built today. The site plan shows a long dense rectangle of a building with an extensive paved area for surface parking. The plan as described in the following is deficient in the following respects:

- 300 rooms spread of over 3 floors with meeting space and restaurant space on the ground floor is highly inefficient and inconsistent with guest preferences.
- At a minimum this requires 100 rooms per floor which means that many guests will have to walk pretty far from the lobby registration to get to a guestroom. Similarly, housekeepers will have a long journey with their carts to clean all the rooms.
- 12,000 square feet of meeting and function space is inadequate for a 300-room hotel in a submarket that lacks major corporate transient business demand drivers. The full-service competitors have an average of 70 square feet meeting space per guestroom. At 300 rooms and 12,000 square feet of meeting space that is 40 square feet per room.

- The rectangular shaped building proposed over 3 stories doesn't efficiently factor in double height or banquet faculties and extra height restaurant, bar, and lobby as it would require rooms above the ballroom space, or alternatively an even longer building to house all 300 rooms.
- 625 surface parking spaces provide an unattractive sense of arrival with significant amount of pavement and many spaces quite far from the entrance to the hotel or the meeting space entrance. In unpleasant weather, whether rain, snow, or extreme heat, this is a terrible arrival sequence.
- No developer has built a 300-room plus hotel in the broader Westchester/Connecticut market in approximately 35 years since 1981 as they are not economically feasible given limited business and group demand and substantially higher construction costs.

Since the Zoning Approval, the IBM Somers Campus closed and between 800 to 1000 employees moved to the Armonk Campus.

The existing full service, 300+ room hotels in the marketplace do not generate sufficient occupancy nor ADR to justify development of another large hotel.

K-18 Comment:

*The taxes -- I'm not going to go through the details, and the numbers are in here -- just a general -- we've been doing this long enough. The numbers are here. They are projections. They are high. And I'm not so sure they are 100 percent accurate. But not discounting that they are significant numbers, but not so sure those will be the end result numbers if this project proceeded as is.
(Supervisor Schiliro, Public Hearing - June 26, 2019)*

K-17 Response:

Comment noted.

K-18 Comment

I had brought up the point about the size of the auxiliary rooms, the junior ballroom, the ballroom, as I was going through the financials, which I really didn't pay attention to because I didn't think it had much significance, you know, how much money you're going to make on this thing, but there's interesting numbers in here. According to one of the schedules, it shows that of the rooms, not the hotel rooms, not the apartments, but all the restaurants and ballrooms, the maximum occupancy by code is 2,363 people. That doesn't count people in the hotel rooms, doesn't count people in the apartments.

(Councilman D'Angelo, Public Hearing - June 26, 2019)

K-18 Response:

See response K-14.

K-19 Comment:

It gets me to a question that I've been repurposing of MBIA at the airport campus and with the call for the hotel there, how does this conflict? Does this -- can this area really support that? When we were having the conversations during the Comprehensive Plan Steering Committee -- Barbara was on there, Adam was on there, and I don't see anybody here that was on it, but I was on it for quite a while, as people know -- we talked about both the airport campus and having the hotel there, as well as this piece of property, the OBH, and we talked for a long time on that. There was -- you have to think about whether or not it's going to be really supported, because you've got one hotel off of one exit, off of Exit 2, and then you've got the other exit -- here off of Exit 3. And I believe that one had been talking about accommodation for people coming into Westchester. And that's the same reason for putting the hotel in at the reconversion of MBIA, if I remember those discussions.

(Mr. Woodyard, Public Hearing - June 26, 2019)

K-19 Response:

Comment noted. It is the Applicants opinion that based on a detailed analysis of the market, a limited service hotel would be successful at the Site. The analysis

further indicated that a significant market demand for two limited service hotels in close proximity does not exist.

K-20 Comment:

Because my comment on taxes was that you may be more optimistic or you may be projecting or -- you know, I've learned a lot from Vicki Sirota, who is our assessor here, about not just what may be generated now, but what may be generated in the future, especially when you're talking about multifamily and tax tertiaries and all the like. So it's not that terminology. It's more being realistic about what will be achieved in the beginning, and then what could be changed or lowered through tax tertiaries. And the reality is, on any project, it's not like it's extra money that goes into the pot. We do a levy, and if there's more people paying in the levy, that may mean that the existings may come down. Or if the cost of government, which can average with inflation let's say 2 percent a year, it may just keep everything level because you're adding more people into the pie to pay. So just a little bit of a clarification there.

(Supervisor Schiliro, Public Hearing - June 26, 2019)

K-20 Response:

Comment noted.

K-21 Comment:

I'd be interested in knowing is what do you think you're going to be renting the apartments for in the hotel? And the same thing I asked about Mariani, what do you think -- are these townhouses for sale or are these townhouses for rent? I'm not sure.

(Ms. Dantzig, Public Hearing - June 26, 2019)

K-21 Response:

Apartments are no longer proposed. The multi-family condominiums are projected to sell for \$700,000 for one-bedroom units and \$950,000 for 2 bedroom units, and the townhouses are projected to sell for \$1,400,000.

K-22 Comment:

Somebody is talking about the difficulty of getting financing when you've got two different kinds of uses in the same place? Is that what I heard talked about here? Like when there's retail plus residential. I'm not sure. But here we're talking about all kinds of mixed use.

(Ms. Dantzig, Public Hearing - June 26, 2019)

K-22 Response:

A mixed-use building is no longer proposed.

K-23 Comment:

But I am very curious what the impact of this hotel, the boutique hotel, a larger hotel, any of these various hotel options, would have on the La Quinta, which currently exists, and it has a certain level of occupancy. It occupies space. It generates taxes. Would it prosper in this new situation? Would it be driven out of business? If it were driven out of business, what would be the impact of that on the town? It's a gap in this logic here. As several people have pointed out, there are not a lot of hotel options in this area. So none of them exist independently of the others.

(Mr. Jacobs, Public Hearing - June 26, 2019)

K-23 Response:

As the commenter noted, there are not a lot of hotel options in the area. Based on the in-depth market analysis conducted for the Project, which took into account the presence of the La Quinta, as well as all other hotels in the competitive market, it is the opinion of the Applicant that a limited-service hotel at the site would be successful. It is noted that since the completion of the market study, the La Quinta hotel on Business Park Drive has closed.

K-24 Comment:

The Applicant used the -- referred to Doral Arrowwood. Is the Applicant familiar with what's happening there? It was just kept from going bankrupt and went into immediate receivership because they are having problems. So I would look for perhaps a different comparison there.

(Mr. Woodyard, Public Hearing - June 26, 2019)

K-24 Response:

The JF Capital Advisors Market Study took into account all the relevant issues associated with the Doral Arrowwood property.

K-25 Comment

I know I brought this up during the presentation last week, but the type of hotel, brand of hotel that you're proposing to do there. The only one that was mentioned was Kimpton and nothing else was proposed. It is a boutique hotel. I'd like to get, you know, more idea of what type of hotel it's going to be, whether it's going to be a Kimpton or there's another brand in there. Because Kimpton is kind of upscale. I've been in a couple of them.

(Councilman D'Angelo, Public Hearing - July 10, 2019)

K-25 Response:

The hotel operator has not yet been selected.

K-26 Comment

One of the things they are known for is that they have their own branded restaurants. So in conjunction with what brand of hotel you're going to bring in there, what type of restaurant are you going to bring in? Because, you know, you intend that people are going to be staying in the hotel and going to the restaurant, but we also have some very fine restaurants in town that I don't want to start taking business away. So if we could get a little more information on that.

(Councilman D'Angelo, Public Hearing - July 10, 2019)

K-26 Response:

The hotel operator has not yet been selected, nor has the restaurant brand. However, the size of the restaurant has been reduced significantly, which should correspondingly reduce any competitive pressure on the restaurants in the hamlet.

K-27 Comment

One other thing I didn't see addressed, it's probably in here somewhere but buried in some financial numbers, is how many events are planned for the three different ballroom type areas for the hotel, from the large room down to the small conference room?

(Councilman D'Angelo, Public Hearing - July 10, 2019)

K-27 Response:

The amenity spaces in the hotel in the FEIS Plan have been reduced significantly. In the current plan, the hotel contains a 135-seat restaurant, a 45-seat bar and a junior ballroom accommodating 100 guests. The event schedule for these spaces has not been developed.

K-28 Comment

One of the things your hotel consultant talked about, he said it twice when we had the first meeting, he said it last week, that when this thing was evaluated, building just a hotel on the property wasn't profitable. So, being the accountant that I am, I went through all the numbers. I have a schedule. It's on page 120-- 1226 on the appendix that shows that the 50-year net operating income -- and, again, a lot of things come off that -- but the net operating income is roughly about \$4 million just for the 91-room hotel. Sounds a little profitable to me. COUNCILMAN BERRA: That's yearly? COUNCILMAN D'ANGELO: That was year 5. For the whole five years on the schedule, it comes out to about 15 and a half million dollars NOI on the -- just on the hotel itself without the apartments. The apartments add another roughly \$4 million over that time period. So the premise here is that we're allowed to build a hotel, but just building a hotel isn't profitable to make this job work. I'd like to get an answer as to why that comment was made, because it looks to me if you just build a hotel and maybe with the apartments on top, there is a lot of profit involved. So, please, I'd like that looked into, in that question and answer.

(Councilman D'Angelo, Public Hearing - July 10, 2019)

K-28 Response:

Jonathan Falik, the Founder and CEO of JF Capital Advisors, was trained at Price Waterhouse as a Certified Public Accountant focused on the Real Estate and Hospitality industries and can understand how a person with an accounting background would look at and evaluate this development.

In looking at the Proforma that the Applicant submitted for the Eagle Ridge Hotel, the Applicant is forecasting \$3.9 million in Net Operating Income in Year 5 and \$15.4 million over the first five years of operation for the Hotel. However, there are numerous other factors which must be considered and taken into account before determining the profitability and feasibility of the project. The Net Operating Income generated from operation is not the only metric.

1. **No Land Basis** – In the Applicant's hotel and apartment development budget, the Applicant did not allocate any Land Cost to the apartments or hotel as the Applicant has assumed all of the Land Cost to be part of the Townhouses. Without the townhouses, there would have been a significant amount of land cost included, thereby increasing the Applicant's development cost significantly.
2. **Significant Ramp-Up Risk** – In the DEIS analysis, the Applicant is forecasting Year 1 Net Operating Income of only \$1.8 million and Year 2 Net Operating Income of \$2.6 million. The \$3.9 million in Net Operating Income forecasted in Year 5 will take several years to achieve. There is also significant operating risk inherent in all hotels which are operating service businesses, as to the achievability of the Hotel projections for both the hotel rooms and also the food & beverage space.
3. **Significant Time Invested and Capital Spent for Future Cash Flows** – Since the Applicant first became involved in the Project in 2016 a significant amount of time, capital and resources have been spent to date on the project. It is likely that the Applicant will be involved in the Project for a minimum of 10 years in order to get to Year 5, and a Net Operating Income

of \$3.9 million is generated. This includes 3 years of predevelopment, 2 years of construction, and 5 years of operations before the \$3.9 million in Year 5 can be realized. Any developer evaluating economic feasibility must consider multiple years of investment with only cash outflows and no certainty as to ultimate outcomes, prior to the Project beginning to be profitable. This type of risk-based capital needs to earn a return on investment.

4. **Uncertainty of Cash Flows and Development Costs** - The analysis must consider the significant risk of the development process including construction risk, operating risk, interest rate risk, market risk, etc. While it may seem like a large amount of Net Operating Income relative to the capital invested, the risk inherent in development and especially a hotel development requires a certain level of return with a certain risk-based discount rate and investor return is required. Hotel investors require a much higher return than residential developers.
5. **Additional Capital and Ownership Related Costs** – The \$3.9 million of Net Operating Income also needs to be adjusted as a result of forecasted interest expense and amortization expense for the loan. After the annual principal amortization, (\$375 thousand) and interest expense (\$1.5 million) are deducted, the Adjusted Net Operating Income is only \$2.0 million in Year 5. Additionally, the Hotel owner will have ongoing ownership costs such as accounting, reporting, legal, and asset management which are not included.

An overview of the Net Operating Income and Adjusted Net Operating Income by year for the Hotel is provided below: Note that all data is provided in thousands.

	Year 1	Year 2	Year 3	Year 4	Year 5
Net Operating Income	\$1,791	\$2,628	\$3,342	\$3,743	\$3,919
Less: Interest Expense	(1,623)	(1,603)	(1,582)	(1,560)	(1,537)
Less: Amortization	(291)	(310)	(330)	(351)	(374)
Adjusted NOI	(\$122)	\$716	\$1,430	\$1,832	\$2,008

6. **Additional Income Tax Expense** - The Net Operating Income statistics provided do not include Federal, State, or Local income tax expense, which would further reduce profitability.

Refer also to Response K-1.

K-29 Comment

And my final question is what is the long term plan for this piece of property? Does the owner, whoever that may be, plan on keeping it long term, five, 10, 15 years? Because everything in here talks about what the exit price is and what the exit value is going to be at the end of five years. Very high numbers. This looks like it would sell at an extremely high profit. I would like to know what the plan is. If the plan is to build this project and sell it in five years to somebody else, it definitely has an effect on the way I look at this.

(Councilman D'Angelo, Public Hearing - July 10, 2019)

K-29 Response:

The current owners intend to hold the hotel and condominium component of the project for the long term.

K-30 Comment

Touching on what Steve said, which is one of the things I mentioned last week, is I'd like to see a study to show the analysis that the Applicant has provided through their consultant, a while ago, laying out in much detail why the hotel market is what it is in Westchester and why this property won't work as a larger hotel. And what I had asked for, similar to what you're saying, is show us how it

would work. Show us how a 300-room hotel, as it's currently zoned, or a hotel of any size that or below it, would work. What's the impediment of why it won't work? It may have something to do with the costs, including land costs, but I'd like to see how it would be viable.

I wanted that particular study also studied by one of our consultants, so I wanted their feasibility study by somebody on our side. So the point that I was making last time was it just makes me still scratch my head that a hotel, with the lack of hotels in the space between 287 and Danbury and near a hotel isn't viable beyond 95 or 100 rooms.

The last piece, which we've accomplished, I wanted to set the baseline of what was currently zoned there and make sure we're comparing, to be fair to the Applicant, the impacts and the design and the site plan to what's currently -- already it's zoned for. Not just nothing. And that's already been done. We've received that, and that will be in the record.

(Supervisor Schiliro, Public Hearing - July 10, 2019)

K-30 Response:

The previously evaluated and submitted 300-room hotel financial analysis discussed with the Town Board generated a leveraged Internal Rate of Return of negative 9.5%.

While neither the Applicant nor its Hotel consultant is responsible for the operating performance of the Westchester full-service hotels, you can clearly see the top line operating statistics.

Per Smith Travel Research data, there are currently 6 full-service hotels around North Castle that operate at a \$147 ADR and 71% Occupancy for September 2017 TTM. This data is the composite average for the Hyatt Regency Greenwich, Hilton Westchester, Sheraton Tarrytown, Marriott Westchester, Doubletree Tarrytown, and the Renaissance Westchester. From this data, it is clear that the math does not work to build a new full-service hotel.

These hotels are collectively too many rooms to fill midweek and as a result are heavily reliant on group business to fill their meeting space. They pursue this group business at low hotel room rates as the available room nights are perishable inventory.

Similarly, you can observe the profit margins of the full-service hotels. As an example, the Renaissance Westchester is owned by publicly traded hotel REIT Sunstone Hotels. The Renaissance Westchester hotel generated the following performance in 2017 and 2018.

	2017	2018
Occupancy	72.3%	74.9%
Average Daily Rate	\$156.09	\$157.43
RevPAR	112.85	117.92
Total Revenue	\$21,936	\$22,887
EBITDA	3,093	2,695
EBITDA Margin	14.1%	11.8%

Based on these metrics, no developer would consider building a 300-room conference hotel without a public subsidy.

To address this question, the Applicant has included the attached the illustrative financial models as exhibits which detail what assumptions would be necessary to generate a 13% leveraged Internal Rate of Return (IRR). The submission proposal of 91 rooms and 70 rental apartments and related financial analyses shows a leveraged Internal Rate of Return (IRR) of 13%. Therefore, the Applicant is solving to a 13% leveraged IRR in three separate scenarios and analysis:

- 1) **Only Increasing Average Daily Rate:** In this scenario the Applicant is solving to a leveraged 13% IRR by increasing the Average Daily Rate by \$142 each year while keeping occupancy and all other development cost assumptions, revenues, and expenses unchanged.

- 2) **Only Adding Property Tax and Occupancy Tax Abatements:** In this scenario the Applicant is solving to a 13% IRR by adding 19 years of full property, occupancy and sales tax abatements while keeping all other development cost assumptions, revenues, and expenses unchanged.
- 3) **Only Adding Town Cash Grant:** In this scenario the Applicant is solving to a 13% IRR by adding a cash grant of \$26.2 million from the town to offset some of the development costs while keeping all other development cost assumptions, revenues, and expenses unchanged.

The Applicant has no objection to the Town's consultant reviewing this information.

Alternative 2 in the DEIS presents an as-of-right hotel only development under the existing OBH zoning. This alternative includes an 80,982 square foot, 3-story, 300 room hotel supported by 661 off-street parking spaces.

Refer also to Response K-1.

K-31A Comment:

*But I think part of what you're saying is the DEIS studied the impact, it's Draft Environmental Impact Statement, so it's studying the impacts of traffic, you know, pollution, fire, all those things. And I think what I'm hearing is you want to, perhaps, know can we study what the impacts of additional residential units have on, perhaps, the rest of the housing market in town.
(Supervisor Schiliro, Public Hearing - July 10, 2019)*

K-31A Response:

See Response K-31.

K-31 Comment

I think it's been touched on by a couple people, including you, but I just want to be very clear on this, I would like to be very carefully studied what the impact of a project like this, even in a reduced scope under some of the alternatives, would

be on the value and salability of the current housing stock we have in town and the different types of it, whether it be townhomes, whether it be single family homes. I think that's an important thing to consider.

(Councilman Berra, Public Hearing - July 10, 2019)

K-31 Response:

According to William Raveis Real Estate¹, there are currently 5 active properties for sale in Byram Hills listed between \$1.4 and \$1.7 million. The average price is \$385/square foot and the average house size is 4,200 square feet. The average days on the market is 92. There are 3 re-sale homes and 2 new construction homes priced at \$1.496 on Orchard Street.

There have been 5 sold properties in Byram Hills over the past 6 months, all selling for between \$1.4 and \$1.7 Million. The average size of these homes was 5,400 square feet and they contained 4 bedrooms and the average sale price was \$299/square foot.

William Raveis believes that given the current circumstances surrounding the Pandemic, and the fact the real estate has been deemed a Non-Essential Business, an explosion of demand in real estate and particularly in our area will occur once the lock-down is lifted and things return to normal. Our boots on the ground telegraph to us that pent-up demand exists in the marketplace. Inventory is low, interest rates are low and it is expected that the demand for real estate will be higher than the supply.

We will experience a “baby boom” in Jan-March, a “divorce boom”, and people will realize they need more space, or less space, and the desire to flee from the city will likely increase the housing demand in our area. Given the knowledge that many can work remotely, real estate in NYC offices will diminish, workers will not have to commute to the city every day of the week, making North Castle that much more attractive. Buyers will not have to be close to a train station or the city anymore.

¹ Lisa Theiss, Vice President of Business Development, Westchester County, William Raveis Real Estate Mortgage & Insurance, Armonk.

Buyer demand will shift back to the suburbs for cleaner air, more privacy, more space. We have evidence of this already with many clients reaching out for rentals so they can leave the city right away and then purchase down the road.

In the opinion of William Raveis Real Estate, compared to six months ago, there will be an increased demand for the type of housing proposed at Eagle Ridge, and it will not have negative impact on the current Byram Hills homeowners ability to sell, even when hopefully inventory picks up.

K-31 Comment

And it's hard to keep track of all the different alternatives that are being considered. But I understand the desirability, I've seen it for certain hotels, to have rentals on top. It's, I think, a trend that exists in some segments. So I could be supportive of that. Not of the height that we have as presently considering it. But I could be supportive of something where you have rentals on top of the hotel. But I'd like to consider as an alternative a situation where you have just one floor, rentals on top, and be limited to roughly a third of what you've got, say 20 or 25 rentals units on top, because that could be studied and included as an alternative.

(Councilman Berra, Public Hearing - July 10, 2019)

K-31 Response:

Comment noted.

K-32 Comment

The idea of a motel with residences in the same building only works if they are permanently separated, one side for each with separate entrances and no chance for overflow from one to the other. My experience with motels/hotels include a crew hotel at Miami airport where a person released from a Massachusetts insane asylum found his way there and grabbed a child in the hall whose body was later found cut to pieces in the bathroom. Party groups are frequent where a promoter contracts for a group of rooms and brings in a mixed group who disturb those around, above and below that area. If you want an example of terrible buildings just study the buildings built near the White Plains

railroad station. The noise in the building is awful. I used to deal with a stick broker on the ground floor and in the winter the heated air flow made it very hard to operate the front door.

(Arnold B. Alison - August 5, 2019)

K-32 Response:

The Eagle Ridge Hotel, as designed and operated, will not be operated as a motel, but instead as a 4.25 star upscale boutique hotel offering significant amenities to hotel guests including a concierge, fitness center, various Food & Beverage facilities, a pool and a fitness center, that a motel does not.

The Eagle Ridge Hotel will be managed by a US based full-service hotel operator with a proven track record in managing hotels efficiently and safely and likely with a hotel brand with a reputation for the same. The Applicant will ensure that the hotel is operated safely and in accordance with all laws and regulations in addition to the safety and security protocols of both brand and management. This will include third party security and video cameras as needed for guests and events taking place at the hotel.

Based on the more than \$30 billion worth of hotel transactions that have been completed by JF Capital Advisors, the hotel consultant, which has included asset management of over 115 hotels, there have not been any situations with child abductions and mutilations. The Applicant is also not aware of any other similar events taking place at other area hotels.

The Eagle Ridge hotel will be a higher end, 4.25-star boutique hotel which targets an Average Daily Rate of more than \$275 upon stabilization. With this type of clientele targeted, the Hotel will not reach out for promoters to have noisy parties. With the residential apartment component, this would be highly unlikely. From a security standpoint, the Hotel will have separated elevators for the hotel and apartment users (including from the underground parking garage) in addition to separate key card access and doors which secure both components.

There are not any expected stockbroker or retail operations in the Applicant's plans.

K-33 Comment

To test these applicants ask how they are going to EXCEED the NY State building codes to build a class location.

(Arnold B. Alison - August 5, 2019)

K-33 Response:

The Applicant is dedicated to building a first-class hotel and apartments and will comply with all New York State building codes.

K-34 Comment

I have lived in Westchester all my life and witnesses the change from sleepy villages to mini cities. My major observation is that the lower paid individuals can not afford the expense of living in mini cities. Good luck and I hope your citizens awaken to the decisions you have to make.

(Arnold B. Alison - August 5, 2019)

K-34 Response:

Comment noted.

K-35 Comment

The Armonk Fire Department is currently volunteer. Members of the local community dedicated thousands of hours each year to serve the residents of Armonk. The applicant stated that the proposed action will generate approximately \$4,000,0000 in real estate taxes. Unfortunately, volunteerism throughout New York State, and the country is declining in the fire service. The Armonk Fire Department has been running a successful recruitment campaign and recruited a number of new Volunteers. It is our hope that we can continue to remain volunteer to serve the residents of North Castle. With such a large development significantly increasing call volume, and only generating a minimal increase in volunteers, the development has the potential to over stress

the current department and as a result require paid staff which will result in a large burden for the town and tax payers.

(Phil Goulet, Armonk Fire Department - Undated, 2019)

K-35 Response:

The FEIS plan will generate approximately \$2,872,000 annually in real estate taxes, a portion of which will support the ongoing operations of the Armonk Fire Department. Moreover, it is the Applicant's opinion that the Proposed Action will not result in "significantly increasing call volume." Finally, the FEIS Plan involves the construction of 109 new dwelling units that will house 228 new residents. It is anticipated that a portion of those new residents would volunteer as fire fighters.

K-36 Comment

Even being the only game in town, 140-room La Quinta Inn & Suites, according to the DEIS, "recorded a TTM occupancy of 59.7%." What is plan B if the hotel doesn't meet an acceptable capacity?

(Jim Byrne - Undated, 2019)

K-36 Response:

The Eagle Ridge hotel be a very different hotel than the La Quinta hotel in Armonk. These differences in amenities will help drive occupancy:

- The La Quinta is not located adjacent to IBM's Global Headquarters and more than 2,000 employees
- The La Quinta is not located adjacent to 228 apartment and townhouse residents
- The La Quinta does not have state-of-the-art meeting space
- The La Quinta does not have a full-service restaurant
- The La Quinta does not feature a 24-hour concierge
- The La Quinta hotel is not a 4.25-star boutique hotel located in a town with one of the highest median incomes in Westchester and the State of New York

In addition to the differences in location and amenities, the Applicant gets comfort from talking to various industry players from various hotel brands and hotel management companies who have confirmed the Applicant's occupancy projections and the market demand. Further, the Applicant gets comfort in looking at the occupancy for other boutique hotels in the immediate and broader market, which achieved an occupancy of 70% in 2018.

K-37 Comment

As far as the apartments and townhouses (which have more square footage than many single family homes in North Castle), why should modifications be granted to projects that will hurt the current residents? The developer states that growth is projected at 4%, and that the North Castle is an older community. Therefore residents will be seeking to sell their homes in a very down market. 91 apartments and 94 3 bedroom apartments (in 30 buildings) aren't going to help, and will depress the value of single family homes and the subsequent loss of tax revenue when residents grieve their taxes. The DEIS concedes that it is "is a relatively low growth region" and that "many empty nesters looking to downsize would choose to continue to reside in the area." (sound familiar - another school bond on the way?). The developer continues "traditional single-family suburban homes are less attractive to young people who tend to settle down later in life, and are more mobile in their employment in the "gig economy.". Kiss goodbye to sales of the smaller homes in the town almost exclusively purchased by parents with young children.
(Jim Byrne - Undated, 2019)

K-37 Response:

The commenter is confusing growth (i.e. new development) with the existing housing market in Town. While a large number of new traditional single-family homes are not being constructed, the market for the existing housing stock remains robust. Moreover, the market for townhomes is largely separate from the market for traditional single-family homes, so the proposed 50 new townhouses will have only a marginal impact on the value of single-family homes. Finally, the commenter fails to recognize the necessity of providing a range of housing choices in a community like North Castle. For example, by providing an

alternative housing option, like townhouses or condominiums, older residents, which constitute the largest population cohort in Town, who may have wanted to down-size and stay in the area, but had no housing options to do so, would now finally be able to move. That move would then free-up their traditional single-family homes to be occupied by young families with children. This “housing cycle” will maintain the strength of all aspects of the housing market and allow the Town to maintain a population equilibrium spanning all generations, which will in turn preserves the overall vibrancy of the community.

The Comprehensive Plan notes that “North Castle has only one public place of accommodation, the La Quinta in the business park. Some residents have indicated a desire for a modern facility with more upscale amenities, and there appears to be demand for at least one additional hotel facility. In addition to promoting a hotel in the OBH zone, where it is currently permitted on large parcels (required land area is 4,700 square feet per room), the Town should consider amending the zoning in the Planned Light Industry (PLI) district and the Designated Office Business (DOB-20A) district to better facilitate an hotel use. Adding a hotel, together with limited new residential uses, would increase downtown Armonk’s potential customer base, while transportation improvements discussed in Chapter 6 would better link the business park with downtown, making it more accessible to potential customers.”

And “In recent years, the Town has seen its senior and older workforce population (aged 50 – 64) increase in number, while the young adult population (ages 18 -34) and prime labor force age population (35 – 49) has declined. The high cost of housing and inadequate supply of varied housing types for rent or sale will likely make it difficult for people to age in place while young households will decrease in number. In an effort to address this issue, the Tow Board created the floating R-MF-SCH Multi-Family Senior Citizen Housing District.”

K-38 Comment

Developers can pay for reports to justify their projects. It's a cost of doing business. Those of us who have lived in town for 20+ years have seen the changes, paid for rapid growth based on false DEIS projections, can't find a place

to park to pick up skis at Hickory & Tweed, and have watched houses stalled on the market as the number of sellers exceed those of buyers. The need for public services (paid fire, ambulance, more police) continues to grow as more developments with townhouses and apartments seek to build in our town. This proposal would forever alter the nature of our town for the worse. Most of our residents are not aware of the proposals being considered in our town (I wasn't until recently). If the remaining residents were alerted, I can't imagine anyone who would want this development. We specifically chose not to live down-county - don't ruin our hamlet by packing downtown with cars and people through overdevelopment.

(Jim Byrne - Undated, 2019)

K-38 Response:

Comment noted.

K-39 Comment

I would like to know the value of the IBM property is as currently zoned for a hotel.

(Michael E. Fareri - August 19, 2019)

K-39 Response:

As with any property in any town, the value Lot A-4, the property sold by IBM to Madding, fluctuates with the market. Regardless of market fluctuations, the value of Lot A-4 is not relevant to the Lead Agency's review of the project and its environmental impacts.

K-40 Comment

I would like to analyze proof as to the feasibility of the hotel only. The original approval by the Town Board has a 3-story hotel on over 30 acres with excessive open space. The rear access was terminated to the IBM park. And hotel traffic has completely different patterns than the proposal which includes multi-family rental and 2 and 3 story townhouses. This was never anticipated by the Town Board when IBM had this rezoning. Please analyze the financial impacts of the project as zoned for a hotel only.

(Michael E. Fareri - August 19, 2019)

K-40 Response:

There has never been any approval granted for a 3-story hotel on over 30 acres as claimed by Mr. Fareri. It is acknowledged that the Town did not anticipate the type of development as envisioned by the Eagle Ridge project, which is why the Town Board, serving as Lead Agency for the SEQRA review of the Proposed Action adopted a Positive Declaration, requiring the preparation of an Environmental Impact Statement. The JF Capital Advisors Market Study, included in full in the DEIS Appendix, fully documents the infeasibility of the hotel only alternative. Refer also to Response K-1.

K-41 Comment

I would also like an explanation of how this project, once approved, would affect Whippoorwill Ridge and Whippoorwill Hills as well as all of the projects that are currently being built in Armonk, including my lumber yard project. That analysis should also include Marianis.

(Michael E. Fareri - August 19, 2019)

K-41 Response:

All of the analyses related to the Plan presented in the DEIS, as well as the current FEIS Plan, incorporated all existing and proposed developments into the analysis of impacts, including traffic, utilities, fiscal, market, etc.

K-42 Comment

This discussion should also address absorption rate and whether there is an adequate demand in the Town for all of this market rate product and what happens to the existing market rate product that it will compete with.

(Michael E. Fareri - August 19, 2019)

K-42 Response:

A full analysis of absorption rates is included in the JF Capital Advisors market Study, incorporated in full in the DEIS Appendix.

Chapter IV.L

Historic, Archaeological & Cultural Resources

IV. L - HISTORIC, ARCHAEOLOGICAL & CULTURAL RESOURCES

L-1 Comment:

*Archeology. 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.
(Town of North Castle Planning Department - July 8, 2019)*

L-1 Response:

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

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

L-2 Comment:

I remember when this was being proposed, and we had talked about the historic significance that was up there at one point. The Town of North Castle gets its name from the Siwanoy Indians who had their encampment up there. And because they had a palisades up there that was to the north of Rye and Greenwich, it was called North Castle, and that's why we get our name, so... The other thing that was up there is -- and Barbara probably remembers the years when that was called Dynamite Hill and there was a ski thing -- Some of the kids - I just remember when that was Dynamite Hill and you could ski on it. And also

it was going to be the site for the UN, did you know that? It was back in 1947, I believe.

Sharon?

She left. Okay. Anyway, I think it was -- it was going to be the original site for the UN, and then Rockefeller came up with some site that's there on the East River and things changed.

(Mr. Woodyard, Public Hearing - June 26, 2019)

L-2 Response:

Comment noted.

Chapter IV.M

Open Space

IV. M. OPEN SPACE**M-1 Comment:**

The IBM property is a vital piece of open space for the Town of North Castle. This property ranks as #3 of 131 priority parcels on the Town's June 2003 Open Space Study Committee Report. It is ranked so highly because it has unique environmental and visual qualities that would be difficult to replace if lost. Preserving this piece of open space enables the Town to protect important environmental resources found on the site such as steep slopes, wetlands, woodlands, wildlife and their habitat, and the scenic vistas and ridgelines that are distinctive to this property and are thereby distinctive to the scenic quality of the Town.

The IBM parcel ranks so highly because it has all of the water characteristics measured in the 2003 study. Specifically, these are:

- *aquifers,*
- *Department of Environmental Conservation (DEC) wetlands,*
- *hydric soil wetlands,*
- *National Wetland Inventory (NWI) wetlands,*
- *streams, and*
- *water bodies.*

(Town of North Castle Open Space Committee - August 9, 2019)

M-1 Response:

Comment noted. It should also be noted that the list of water characteristics attributable to the Site in the 2003 study is incorrect. The Project Site is not located above a sole source drinking water aquifer, no NYSDEC wetlands are located on the Site, nor are any streams or waterbodies.

M-2 Comment:

"Where existing open space areas are private and potentially subject to redevelopment, such development should be contemplated in a manner that preserves as much of the property as possible..."

(Town of North Castle Open Space Committee - August 9, 2019)

M-2 Response:

In response to the comments received during the public review of the DEIS, the plan presented in the DEIS has been significantly modified. With regard to open space, the plan presented in the DEIS involved disturbing approximately 26.5 acres of the 32.5 acres Site (81.5%), and constructing 10.4 acres of buildings, roads, parking lots and other impervious surfaces, leaving 22.1 acres (68%) of open space on the Site upon completion of the development.

By way of comparison, the modified FEIS Plan disturbs approximately 19.1 acres of the 32.5 acres Site (58.7%), and calls for constructing 7.8 acres of buildings, roads, parking lots and other impervious surfaces, leaving 24.7 acres (76%) of open space on the Site upon completion of the development.

Moreover, the open space provided under the plan presented in the DEIS was scattered throughout the Site. The FEIS Plan is fundamentally different in that all of the Site development is shifted to the south and is concentrated primarily within the southern half of the Site, leaving a large contiguous area of open space on the northern portion of the Site, which is the area that is most conspicuously visible from Route 22 and Community Park.

M-3 Comment:

Discuss what legal mechanism will be put into place to ensure perpetual preservation of open spaces. DEIS makes no mention of deed restrictions, conservation easements or other methods of perpetual preservation of open spaces. Please address.

(Town of North Castle Open Space Committee - August 9, 2019)

M-3 Response:

The Applicant is amenable to the adoption of an appropriate legal instrument(s) to permanently preserve open space areas on the Site. The Applicant welcomes the input of the Open Space Committee regarding the best method to do so.

M-4 Comment:

Discuss the potential for connections of on-site open spaces to offsite open spaces and how this could be implemented and maintained. DEIS does not address this. Please show where these connections could be, as well as detail steps for implementation and maintenance.

(Town of North Castle Open Space Committee - August 9, 2019)

M-4 Response:

Pursuant to the Adopted Scope, dated June 27, 2018, the Applicant was required to “[p]rovide pedestrian access from Eagle Ridge to Community Park.” Accordingly, the Applicant developed a plan to show how access from Eagle Ridge to Community Park could be provided.

Unfortunately, pursuant to the “Deed of Dedication of Lot A-1”, between IBM and the Town of North Castle, dated December 24, 1996, and recorded with the Westchester County Clerk on May 28, 1997 at Liber 11731, page 53, paragraph “g” on page 4 provides that “the Town will construct by July 1, 1997 and thereafter maintain direct public access to the [Community Park] from Business Park Drive or other public right-of-way and under no circumstances will the Town have access to the [Community Park] through Lot A.”

The Eagle Ridge development is proposed on a portion of former Lot A. Therefore, direct public access from the Eagle Ridge site to the Community Park is prohibited by the Deed of Dedication between IBM and North Castle.

Furthermore, pursuant to the “Correction Deed of Dedication and Declaration”, between Armonk Business Center, LLC and the Town of North Castle, dated August 14, 1997, and recorded with the Westchester County Clerk on September 2, 1997 at Liber 11802, page 309, the Town of North Castle “covenants and represents that [it] will not amend, modify, or otherwise agree to accept any changes to that certain instrument entitled ‘Deed of Dedication of Lot A-1’ between International Business Machines Corporation and [the Town of North Castle] dated December 24, 1996 and recorded on May 28, 1997 in the Westchester County Clerk’s office at Liber 11731, page 53 (the ‘IBM Deed’)

relative to the following specific provisions of the said IBM Deed:... b. the paragraph marked(g) on page 4 thereof...”

The Applicant met with the Manager of Armonk Business Center, LLC, to discuss to the possibility of removing this restriction in order to allow for pedestrian access to the Community Park from the Eagle Ridge development. However, the Applicant’s request to allow for a pedestrian connection between the Community Park and the Eagle Ridge development was refused.

Based on these recorded instruments between IBM and the Town of North Castle and Armonk Business Center, LLC and the Town of North Castle, the Applicant cannot provide the requested pedestrian connection between the Eagle Ridge Development and the Community Park. It is the Applicant’s understanding that the Lead Agency will attempt to secure an amendment to the deed restriction to permit a pedestrian connection between the Site and Community Park.

M-5 Comment:

Building a hotel on the 6.25-acre parcel as currently zoned and placing a conservation easement on the remaining 26.25-acre parcel to permanently preserve it as open space must be explored. There can be significant tax advantages to the applicant under this scenario. Please schedule an appointment to meet with the Open Space Committee so that we may discuss this option, as well as other preservation techniques and scenarios.
(Town of North Castle Open Space Committee - August 9, 2019)

M-5 Response:

The Applicant met with members of the Open Space Committee on October 18, 2019 to discuss the tax advantages referenced by the Open Space Committee, as well as other preservation techniques and scenarios.

Chapter IV.N

Construction

IV. N. CONSTRUCTION

N-1 Comment

The applicant provides a schematic phasing plan which indicates the various staging of the project, however, provides little detail on how each phase can be constructed while limiting disturbance to five (5) acres. The applicant shall prepare conceptual grading, utility and erosion and sediment control plans for each phase of construction. The plans should consider construction trailers, equipment storage, employee parking (which could be up to 35 employees), location of rock crushing operations, storage of crushed product, as well as realistic erosion and sediment controls required for the respective phases, i.e., sediment basins of adequate size. Additionally, the grading shall illustrate the transition between phases and how construction access between subsequent phases will be maintained.
(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

N-1 Response:

Refer to Phasing Plan, Figures I-11 – I-16.

N-2 Comment

Crushing operations must consider the impacts of noise and dust at the North Castle Community Park, as well as the adjacent corporate offices and the mitigation required.
(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

N-2 Response:

Comment noted. It should be noted that the FEIS Plan significantly reduces the amount of Site disturbance, cut and rock removal compared to the plan presented in the DEIS (-2,555 cy compared to -51,400 cy; a 95% reduction). All rock crushing operations will conform with the requirements of the Town of North Castle, including Chapter 210, Noise, Chapter 157, Excavations, Chapter 161 Filing and Grading, and Chapter 267 Stormwater Management.

N-3 Comment

***Table IV.N-1, Construction Noise Levels should be expanded to include a rock crusher. The decibel levels should be shown on an off-site plan which extends into the park and adjacent IBM office building.
(Joseph M. Cermele, Kellard Sessions - August 15, 2019)***

N-3 Response:

A portable rock crusher generates an operation noise level of between 70 to 80 dB. The rock crushing operation would take place in the center of the Site where excavations are required. Given the newly established large buffers around the perimeter of the Site, and particularly along Community Park, and recognizing that sound levels diminish by 6 dB for every doubling of distance, it can be safely concluded that the noise generated by rock crushing operations will comply with the Town Noise ordinance (Chapter 210), and that noise levels will not exceed 65 dB along the property lines.

N-4 Comment

***The project proposes blasting and provides a discussion regarding compliance with Chapter 122, Blasting and Explosives of the Town Code. In particular, the Code requires that an evaluation of all existing structures and utilities within 500 feet of the blast site be provided. The DEIS should include a figure illustrating the effected radius.
(Joseph M. Cermele, Kellard Sessions - August 15, 2019)***

N-4 Response:

Comment noted. The FEIS Plan significantly reduces the amount of Site disturbances required and correspondingly, the amount of rock removal. The areas of rock removal, and potential blasting, cannot yet be ascertained. As a result, the 500-foot radius map cannot yet be prepared. That map will be provided in full conformance with Chapter 122, at such time that blasting, if found to be necessary, is undertaken.

Chapter IV.O

Alternatives

IV.O. - ALTERNATIVES**O-1 Comment:**

Alternatives. It is recommended that the Applicant provide a reduced Townhouse Development that places the townhouse parcel in the R-MF Zoning District rather than the R-MF-A Zoning District. This alternative requires large minimum lot sizes and may result in a development with more green space at a density that is more appropriate for this property. The resulting scale and density would be the same as the Whippoorwill Hills and Whippoorwill Ridge developments on Old Route 22.

(Town of North Castle Planning Department - July 8, 2019)

O-1 Response:

In response to the comments received during the public review of the DEIS, the plan presented in the DEIS has been significantly modified. Under the FEIS Plan the parcel supporting the hotel and multi-family units has been increased from 6.25 acres in size to 15.51 acres, and the townhouse parcel reduced from 26.25 acres to 17.03 acres. Additionally, all of the development has been shifted to the southern portion of the property, away from Community Park and Route 22. Tightening the development footprint to an impervious surface coverage of 7.8 acres leaves 24.7 acres (76%) of the Site as preserved or restored open space.

The townhouse parcel now exhibits a density of 2.9 units per acre, and the hotel/condominium parcel exhibits a density of 3.8 units per acre.

O-2 Comment:

Alternatives. It is recommended that the Applicant provide a modified Open Space Maximization and Limited Height Alternative. This alternative would provide a 208,900 square foot 3-story building with a mix of hotel units and apartments located in the south-central portion of the site in the existing open meadow.

(Town of North Castle Planning Department - July 8, 2019)

O-2 Response:

As recommended by this comment, the FEIS Plan has shifted all of the proposed development into the south-central portion of the Site in the existing open meadow. The maximum building height has been lowered from 5 stories to 4 stories. The dimensional building height is now 45', which corresponds to the maximum height allowed in the OBH zoning district.

O-3 Comment:

Alternatives. The Hotel Only Development Under Existing OBH Zoning text may contain an error. This alternative analyzed an 80,982 square foot hotel, where the underlying zoning permits a much larger 300 unit hotel of 208,900 square feet (contemplated as part of the original IBM subdivision). The Applicant should indicate why a much smaller hotel was studied for this alternative. (Town of North Castle Planning Department - July 8, 2019)

O-3 Response:

The smaller hotel reflected the findings of the JF Capital Advisors Market Study.

O-4 Comment:

I think at Section 5, about, you know, the Other Alternatives, with a 300-room hotel, if it can be studied and presented, the document presents that it's not supportable. And I'd like to understand how it would be supportable. What would make a -- as approved now in this zone, what would make that alternative, which is how the zone was designed, supportable? (Supervisor Schiliro, Public Hearing - June 26, 2019)

O-4 Response:

It is the opinion of the Applicant that a 300-room full-service hotel represents an unsupportable model, and is therefore unwilling to pursue that alternative. It is understood that the Town has retained its own independent consultant to review the JF Capital Advisors Market Study included in the DEIS. The Town's consultant concluded that a hotel only development at the Site, given the area's construction costs, would not make economic sense.

O-5 Comment

The applicant provides various alternatives to the project. Alternative #3 represents a significant modification to the site plan which limits development within the townhome community. The applicant should examine the benefits from a disturbance and earth moving perspective of relocating the stormwater basins within the townhome community which now seems to have ample room to accommodate the storage volume. We would expect a significant reduction in disturbance and earth moving with such a change.

(Joseph M. Cermele, Kellard Sessions - August 15, 2019)

O-5 Response:

The FEIS plan drastically reduces the site disturbance impacts. The FEIS Plan would disturb approximately 19.1 acres or 58.7% of the Site (a reduction of 7.4 acres of disturbance) and encroach into 1.7 acres of steep slopes in excess of 25% (a reduction of 2.6 acres). Only approximately 2,555 cubic yards of excavation is now required (an extremely large reduction of 48,845 cubic yards). The stormwater management plan has been revised accordingly.