

## WHAT'S NEW IN PLANNING

January 2016

### Soil and Water Conservation District Presents Nine Achievement Awards



The second annual Soil and Water Conservation Achievement Awards ceremony was held December 15 at the Westchester County Center. The county's Soil and Water Conservation District presented six awards and three commendations to two municipalities, one elementary school, an agricultural agency and five not-for-profit organizations. They all had completed exceptional conservation projects within the past three years. Five students representing three high schools who had completed science-based research projects related to soil and water

conservation and management also received special recognition.

Handing out the awards this year were Deputy County Executive Kevin Plunkett, Chief of Staff George Oros and Jan Blaire, chair of the District's Board of Directors.

***PHOTO:** SWCD Board Chair Jan Blaire, Chief of Staff George Oros and Deputy County Executive Kevin Plunkett present an award Denise Schirmer of the Somers Land Trust.*

### Zoning Amended to Allow Affordable Units in Iconic Building

In December, the Town of New Castle Town Board adopted a zoning text amendment to allow multi-family residences as part of the adaptive re-use of the commercial buildings on the property once the home of Reader's Digest. The developer submitted applications and plans for building permits to create 28 fair and affordable units within the "cupola" building. The permits were approved December 23.



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The County will move forward to close financing of acquisition and rehabilitation of the proposed units that are part of the much larger mixed-use development known as Chappaqua Crossing. The 28 affirmatively furthering fair housing (AFFH) rental units will include a mix of one-, two- and three-bedroom units. Each will be affordable to households earning at or below 50% and up to 60% of the Westchester County Area Median Income (AMI). Other development on this site will include office space, market-rate residential units, commercial space and a supermarket.

### **Closings Held for Eight AFFH Properties Throughout Westchester**



HGMLS

Through December, the County purchased eight small properties located in six eligible municipalities as another step to create affordable AFFH opportunities in accordance with the Housing Settlement. The eight include four homeowner condominiums (three in Harrison and one in Bedford), two single-family homes (one in Buchanan and one in Lewisboro) and two two-family houses (one in Cortlandt and one in Rye Brook). Each property has unique characteristics.

The required AFFH marketing campaign has begun to recruit interested and income-eligible households to apply to purchase one of the units. Some units will have minor rehabilitation completed prior sale to income-eligible households. Full details of each unit may be found on Homeseeker - [www.westchestergov.com/homeseeker](http://www.westchestergov.com/homeseeker).

### **County Closes on Theodore Fremd Site for Senior Housing in Rye City**

A County-owned parcel first identified as a potential location for affordable housing approximately 25 years ago is close to being developed. The County has transferred the 2.07-acre parcel to North Street Partners (a partnership of Pawling Holdings and Housing Action Council) for construction of the approved development of 40 senior housing units and a superintendent's unit. All 41 AFFH units will be affirmatively marketed and will qualify under the Housing Settlement.

To qualify, all residents must be 62 years of age or older and have an income at or below 60% of the County AMI. 20% of the units will be affordable to households earning up to 50% of the AMI. The superintendent's household will also be required to have an income at or below 60% of the AMI.



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The Rye City Council approved the Inter-Municipal Developer Agreement on December 16. The developer has applied for the building permits which are expected to be issued by December 31. Occupancy of the units is not expected until 2017.

The County purchased the property in the 1970s as an outcome of some drainage concerns in the area. Contamination from a nearby gas station was detected on the site in the 1990s. In 2010, the NYS Department of Environmental Conservation declared the site to be remediated and cleared for development. This is the second County-owned parcel being transferred to a developer for development of affordable housing under the Housing Settlement.

### **Referrals to the Planning Board**

Between November 16 and December 31, 2015, the County Planning Board received 60 referrals of proposed planning and zoning actions from Westchester's municipalities. These referrals include notifications submitted pursuant to the NYS Environmental Quality Review Act (SEQR). Of the referrals received, 56 were determined to be jurisdictional and 4 were determined to be non-jurisdictional.



Of the jurisdictional referrals, 23 (41%) were for an actions pre-determined by the County Planning Board to be a matter of local determination that require notification only; acknowledgements of receipt were sent back to the referring municipality. No further action is required on these matters.

Planning Board action is needed at the next meeting to approve actions taken by staff in response to 41 referrals received with response letters dated from November 16 and December 31, 2015:

- *Comment* letters sent in response to 27 referrals
- *Local Determination* letters sent in response to 14 referrals.

### **REFERRALS OF INTEREST**

#### ***1. Town of Cortlandt - Cortlandt Crossing; Final EIS (CTD 15-001B)***

**Description:** Final environmental impact statement (EIS) for a proposal to redevelop a portion of 36-acre site located on the north side of East Main Street (US Route 6) with a new shopping center. The site is across from the Cortlandt Town Center shopping center. The applicant, Acadia Realty Trust, owns the Cortlandt Town Center.

Since the draft EIS was reviewed earlier this year, the proposal has been revised in response to comments that were received. The shopping center has been reduced in size to 130,000 square feet of floor area with 619 parking spaces. To accommodate this development, the applicants are



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petitioning the Town to amend the Town Zoning Map to extend the CD – Designed Commercial District to encompass more of the site. Currently, the CD District encompasses 9.48 acres, the portion of the site closest to East Main Street. The proposed petition would extend this area further north so as to encompass 15 acres. The remainder of the site (21 acres) would continue to be zoned Residential R-40. If rezoned by the Town Board, the applicant would seek site plan approval from the Town Planning Board.

The applicants have petitioned the Town to create a new sewer district, “Cortlandt Boulevard Sewer District #1,” and to have the new district include the subject site and part of the Cortlandt Town Center property. In addition, Van Cortlandtville Elementary School, which abuts the site to the west, is proposed to be allowed to connect to this new sewer district as an out-of-district user. The applicant is requesting that the Town petition the County Board of Legislators to add the Cortlandt Boulevard Sewer District #1 to the Peekskill County Sewer District once it is created. The applicant is proposing to construct a new sewer pump station.

The County Planning Board previously reviewed the draft EIS and responded to the Town in a letter dated March 13, 2015; we find several of our comments have been adequately addressed. Remaining concerns are:

#### Comments:

- The final EIS disagrees with our assessment that the proposed development design is not consistent with County Planning Board policies which encourage a more comprehensive vision for the East Main Street corridor that would promote more pedestrian scaled mixed-use development.
- The County sewer infrastructure has sufficient capacity to accommodate additional flow from the subject parcel if it is added into the Peekskill Sanitary Sewer District. It is our understanding that legislation pertaining to this requested action has been prepared for submission to the County Board of Legislators.
- The final EIS does not contain meeting minutes concerning a discussion with WCDPWT about proposed Bee-Line bus service changes.
- We recommend that the site plan be revised to include sidewalks along all site driveways and for sidewalks to be extended along the entire site frontage with East Main Street.
- We recommend incorporating as much green building technology as possible into the proposed development.
- While the final EIS states bicycle parking will be provided, the site plan should show the locations of where bike racks will be located.

#### ***2. Town of Greenburgh - The Jefferson at Saw Mill River; Draft Scoping Document (GRB 15-008B)***

Description: Draft scoping document for the development of a 10.77-acre vacant, former industrial brownfield site with a 4-story apartment building containing 272 rental apartment units and 438 parking spaces. The site is located at 1 Lawrence Street and is bounded by Lawrence Street to the south, Saw Mill River Road (NYS Route 9A) to the east and Westchester County's South County Trailway to the west. A County-owned trunk sewer line traverses the site.

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The proposed building would contain 24 studio apartments, 164 one-bedroom apartments and 84 two-bedroom apartments. Twenty-seven (10%) units are proposed to be restricted as affordable. Primary vehicular access would be provided via a driveway from Lawrence Street which would connect to a 122-space surface parking lot and a 316-space parking garage which would be constructed as part of the new building. A secondary/emergency access is shown provided off of Western Avenue, a Dobbs Ferry public right-of-way which, as described, has historically provided access to the property. As part of the improvements, 21 new parking spaces are proposed along Western Avenue for use by patrons of the South County Trailway.

The site is located within the GI – General Industrial zoning district which permits “any use not specifically permitted and not otherwise prohibited by law” by special permit use by the Zoning Board of Appeals. Therefore this application requires special permit approval along with site plan approval from the Town Board. Area variances from the Zoning Board of Appeals are also required for building height, building coverage and side yard.

#### Comments:

- Because the development will increase sewage flows, the scoping outline should be revised to include a broader discussion of I&I mitigation.
- Because WCDEF has requirements with respect to development in or around County trunk sewer easements, we recommend that all requirements be discussed in the EIS.
- The scope should include a discussion regarding the provision of sufficient space for the storing of recyclables.

### ***3. Town of Larchmont - Development Moratorium (LAR 15-001)***

Description: A proposed local law that would implement a temporary moratorium on the acceptance, consideration and approval of subdivision, demolition, site plan building permit, variance and special permit applications in the R-30, R-20, R-15, R-12.5, R-10, R-7.5, R-5 and W zoning districts for a period of six months. Appeals from the proposed moratorium can be applied for on a case-by-case basis from the Board of Trustees.

According to the Local Law, the Village of Larchmont has experienced an increase in applications to apportion or subdivide existing lots in residential zoning districts and to develop additional single-family homes on newly created lots. Applications have also involved the teardown of existing homes to make room for additional and/or larger homes. The Village anticipates continuing to receive similar applications which they believe have the potential to impact negatively the Village's residents, character, infrastructure and provision of services, which could be irreversible. The moratorium is intended to ensure that no approvals of applications are granted until the Village completes planning studies and the Board of Trustees considers and enacts comprehensive zoning changes as appropriate.

Comments: We point out that moratoria should be enacted with specific intent and purpose and should not extend beyond a reasonable time frame. The proposed moratorium appears to be consistent with these criteria.

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#### ***4. City of Mount Vernon - 1 Bradford Road (MTV 15-002B)***

Description: Site plan for the proposed redevelopment of a 3.08-acre site located at One Bradford Road, bordered on three sides by Willson's Woods County Park. The site is currently developed with a vacant 52,000 square foot office and warehouse building which the applicant proposes to demolish. A 120-unit apartment building is then proposed to be constructed along with 155 parking spaces (seven to be land banked). The site was rezoned by the City Council from LI-75 to RMF-15 on February 25, 2015; the zone change permits the proposed development, subject to site plan review. Because the applicant would like to have access to the site from the north via the County-owned road through Willson's Woods Park, approval for this access must be obtained from Westchester County.

The County Planning Board discussed this proposed development at the board meeting held on December 1, 2015 and offers the following comments:

#### Comments:

- The County Planning Board is encouraged to see proposals for the development of new market-rate housing in Mount Vernon.
- Because the location is generally near the Pelham train station and the surrounding commercial area, the development should capitalize on many of Westchester's strengths.
- The developer should inform new tenants about the noise and traffic impacts that popular activities at Willson's Woods Park generate.
- Several capital improvements will be made in Willson's Woods Park in the coming years.
- We are concerned that parking may be inadequate and that people may park cars within the County park which has limitations on parking.
- The applicant should add more landscaping between the site and the park.
- Increased sewage flows into the County sewer system should be offset through inflow and infiltration (I&I) mitigation.
- The applicant should verify that sufficient space will be provided for recyclables.
- The stormwater management plan should be revised so that as much stormwater as possible is treated and retained on-site.
- We encourage the applicant to incorporate green or sustainable building methods and technologies into this project.
- We recommend that bicycle parking be provided for building residents

#### ***5. City of Mount Vernon - The Pointe; Draft Scoping Document (MTV 15-006B)***

Description: A draft scoping document for the preparation of an (EIS) for the redevelopment of several parcels located within the UR-PUD-S4 zone located at South Fourth Avenue and East Third Street that were part of the South Fourth Avenue-East Third Street Urban Renewal Plan adopted by the City in 2014. As proposed, the development includes:

- Building A: 11 stories containing 210 affordable apartments, 30,000 square feet of retail and 41 underground parking spaces
- Building B: nine stories containing 100 assisted living apartments
- Building C: seven stories containing 56 affordable apartments

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- Building D: six stories of municipal parking containing 630 spaces with 12,660 square feet of ground floor retail space along South Fourth Avenue.

#### Comments:

- The scoping outline should be revised to specifically include the identification of mitigation measures that will offset the projected increase in flow through reductions in inflow/infiltration (I&I).
- The scoping outline should include a discussion regarding the provision of sufficient space for the storing of recyclables.
- We recommend that the draft EIS include a discussion of the role of green building technology in the development of this project. We also recommend that bicycle parking be considered.

#### ***6. City of New Rochelle – Downtown Overlay Zone; Final GEIS (NRO 15-012C)***

Description: Final generic environmental impact statement (GEIS) for the adoption of six new overlay zones for a 279-acre area of downtown New Rochelle, centered on Ruby Dee Park and the New Rochelle Transit Center. The final GEIS contains a revised version of a new Article XXIII of the New Rochelle Zoning Ordinance which would establish the new overlay zones and provide form-based zoning regulations within them. The GEIS also contains a “Recommended Action Plan” which provides a comprehensive plan and rationale for the downtown area on which the new zoning is based.

The proposed Downtown Overlay Zones would not replace existing zoning in the downtown, which is currently comprised of 14 base zoning districts. Rather, each of the six overlay zones would be applied to various portions of the downtown so that property owners or development applicants could choose between developing under existing zoning and developing under the overlay regulations. To encourage use of the overlay, the regulations incorporate a series of bonuses or incentives to encourage applicants to build in accordance to certain parameters that provide community benefit. The three existing overlay zones in the downtown area (DDB, NBTOFZ and WBD-F) would be repealed.

The six new Downtown Overlay Zones would share a new use table with the intention of providing developers with the ability to mix uses currently allowed in the underlying zoning in a way that may not be allowed today and provide more flexibility for property owners to react to changing market conditions. As a form based code, the zoning will regulate many aspects of the form, mass, scale and style of the buildings based on a Zoning Standards Map. The proposed zoning amendments would also expand the Central Parking Area to the entire Downtown Overlay Zone and amend some of the parking requirements. Most notably, the amendments would allow for credits for shared parking, attendant parking, car share parking and bike rental/storage. Property owners not seeking to develop under Downtown Overlay Zone regulations would be subject to the parking standards of the underlying zoning.

#### Comments:

- The final GEIS did not respond to our prior comments concerning Bee-Line bus services
- Technical comments with respect to County sewer impacts were offered.

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- We are supportive of the proposed Fair Share Mitigation Fund that would be dedicated to I&I removal.

#### ***7. City of Peekskill – Abbey at Fort Hill Apartments, Inn & Spa (PKS 15-004B)***

Description: Site plan and special permit approvals to construct a development consisting of a clustered three-building mid-rise apartment complex comprising 178 units with associated parking. An existing, vacant convent and chapel on the site would also be redeveloped as an inn and spa. As part of the development plan, 50 acres would be conserved and dedicated to the City for passive park use.

The site, which is located on Fort Hill above the intersection of Belden Street and Saint Mary's Street, was previously rezoned by the City Council from R-1B, R-1C and R-6 to the Planned Residential District (PRD). Amendments to the PRD regulations were also approved so as to allow the proposed project to move forward pending site plan and special permit approvals.

#### Comments:

- We recommend that the City and the applicant consider setting aside 10% of the units as affordable AFFH units. Alternatively, if the applicant is seeking development approval for a different development site elsewhere in the city and affordable AFFH units cannot be provided on the subject site, perhaps this approval can be linked to the approval of the other project where affordable AFFH units can be provided.
- Because the development will increase sewage flows from this site into County sewers, I&I mitigation should be performed.
- The applicant should verify that sufficient space is available to accommodate the storage of recyclables.
- We encourage the applicant to consider incorporating as much green building technology as possible into the proposed development, including the provision of bicycle parking.

#### ***8. Town of Somers – Comprehensive Plan Update (SOM 15-007)***

Description: A proposed Comprehensive Plan Update for the Town of Somers. The Comprehensive Plan is proposed to update the 1994 Comprehensive Master Plan. It expresses a vision to protect and preserve the Town's environmental and historical resources while providing appropriate levels of low-impact development that facilitate economic development and variety of residential development options. The plan articulates eight policy goals with various objectives in the following areas: quality of life, environmental quality and sustainable development, enhancing the economic base, supporting a mix of land uses in appropriate locations, open space/park preservation and enhancement, infrastructure and municipal service improvements, multimodal transportation and preserving historic and cultural resources.

The Comprehensive Plan contains several chapters intended to provide guidance for the future of the town. Land use, population, residential development, business development, transportation, the environment, sustainability, open space, recreation, cultural resources, public facilities and services, and infrastructure are all discussed. The final chapters of the Comprehensive Plan include a Future Land Use Plan as well as an Implementation and Action Agenda.



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Comments: We have no objection to the Somers Town Board assuming Lead Agency status for this review. We note that the Plan does not discuss the County's promotion of "Model Zoning Ordinance Provisions for Affordable Affirmatively Furthering Fair Housing Units". We recommend that the Plan discuss potential future zoning amendments that would provide increased compatibility with the Model Ordinance Provisions. We are supportive of the inclusion of non-motorized transportation and complete streets into the Comprehensive Plan Update.

#### ***9. City of White Plains – 60 South Broadway (WHP 15-012)***

Description: An application to construct a new large-scale, mixed-use development on a 3.58-acre site which now contains the White Plains Pavilion Mall in downtown White Plains. The applicants propose to demolish the existing mall and construct two 24-story towers above a podium building containing retail and parking. In total, 707 residential apartments are proposed (including 71 restricted as affordable per City regulations) with 95,396 square feet of street-level commercial space. Parking for 1,022 vehicles would also be constructed.

The subject site is bounded by South Broadway (a portion of which is County Road 108), Maple Avenue and Hale Avenue. Because the site is sloped downward from South Broadway, the retail/parking podium building will be constructed into the hill, placing parking below grade of the site's South Broadway frontage. Vehicular access to the parking would be from Maple Avenue and Hale Avenue.

The subject property was part of a previous SEQR review with respect to a rezoning which occurred in 2014 to change the designation of the site from B-6 (Enclosed Mall) to CB-3 (Core Business 3). A generic environmental impact statement (EIS) for the proposed development was completed for the rezoning and a Findings Statement was adopted by the City on November 3, 2014. At this time the applicants are seeking site plan approval to construct the project as well as a special permit approval to permit outdoor dining.

#### Comments:

- The proposed development includes several project elements that we consider model examples of what all downtown redevelopment projects should contain: orientation of retail to the street, bicycle parking and green building technology.
- The portion of South Broadway north of the intersection of East Post Road is a County road (CR 108). Approval from WCDPWT is required. The City and the applicant should be advised that roads in the vicinity of the project (South Broadway, East Post Road and Armory Place) will be paved by the County in 2017. In addition, Westchester Avenue (CR 71) will be paved by the County in 2016.
- Because the development will increase sewage flows from this site into County sewers, I&I mitigation should be performed.
- The applicant should verify that space is available to accommodate recyclables storage.
- A conceptual plan for a BRT route along South Broadway and Maple Avenue, directly along the frontages of the site, was examined by the Mass Transit Task Force for the New NY Bridge Project. We are confident that as various private development plans advance, opportunities for BRT implementation and transit service enhancements and infrastructure will be identified and integrated as appropriate.