

Proposed Local Law  
NG-Zero Special Permit

§60-430.O Permitted special uses.

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(19) North Greeley Net Zero Carbon (NG-Zero). NG-Zero development shall be permitted only upon the issuance of a special permit by the Town Board and shall be subject to the specific requirements set forth herein in addition to the appropriate general procedures, conditions, and standards applicable to special permit uses as set forth in §60-430 of this chapter.

(a) Purpose and intent. The NG-Zero special permit is intended to encourage and facilitate mixed-use transit-oriented development on vacant and underutilized properties on North Greeley Avenue, foster a vibrant and walkable downtown, increase the diversity and affordability of housing types, obtain environmentally and economically sound forms of residential development in accordance with modern planning design criteria, and to otherwise achieve social, environmental and economic benefits in accordance with the Town Comprehensive Plan and for the benefit of all present and future residents of New Castle and the region. It is also the purpose and intent of the NG-Zero to create a more sustainable community by incorporating exemplary green building measures into the design, construction, and maintenance of buildings that minimize short-term and long-term negative impacts on the environment. These measures shall include, but are not limited to: carbon neutral construction practices, resource conservation, reduction of construction waste and reduction in the use of energy; and promoting the health and productivity of residents, workers, and visitors by reducing the reliance on vehicles by providing easy access to public transportation, bicycle, and pedestrian infrastructure.

(b) Special development standards.

[1] Site requirements.

[a] Location. NG-Zero development shall be permitted on any lot that is situated on the westerly side of North Greeley Avenue in the Retail Business and Parking (B-RP) or Retail Business (B-R) Zoning Districts, but shall not include any corner lot or lot also having frontage on lower King Street (Allen Place).

[b] Site size. The minimum required lot area for a NG-Zero shall be 33,000 square feet.

[c] Variances. Relief from the site requirements of this subsection may be granted only upon application to and after hearing by the Zoning Board of Appeals upon a showing of unnecessary hardship as required in connection with the granting of a use variance.

[2] Dwelling units.

[a] Dwelling unit type. Individual dwelling units may be of the efficiency, studio, one-bedroom or two-bedroom type, but shall not contain more than two bedrooms. The Town Building Inspector shall have the authority to determine which rooms may function as bedrooms for the purpose of determining

compliance with this requirement and may include any room other than bathrooms, kitchens, entranceways, foyers and closets.

[b] The foregoing notwithstanding, the Town Board may authorize the establishment of a room to be used as a home-office as long as it does not have a closet.

[c] The gross floor area for an individual dwelling unit, excluding exterior space, shall be at least 500 square feet, but in no case shall it exceed 2,000 square feet.

[3] Ownership. A proposed NG-Zero site shall be presented as a single parcel of land at the time the special permit application is made.

[4] Affordable housing. Mixed-use projects developed pursuant to this provision shall be required to provide AFFH units pursuant to §60-410H(6)(k) of this chapter.

[5] Traffic management. Roadways giving vehicular access to NG-Zero sites shall be adequate to accommodate the anticipated traffic generation resulting from the development proposed thereon. The Town Board shall not issue the required special use permit until and unless said Board determines that the roads and intersections proximate to the project site are capable of accommodating the additional traffic generation or, if not, that the necessary improvements will be made prior to the occupancy of the development.

[6] Off-street bicycle parking. A minimum of one (1) off-street bicycle parking space shall be provided for each residential unit. Off-street bicycle parking shall be designed to provide for appropriately sized and secure storage of bicycles and shall be accessible to residents. Each bicycle space shall adjoin a rack or similar system for securing bicycle. Bicycle parking spaces shall be in an area secured by a lock or similar means or adjoin a securely anchored rack to which the bicycle frame and at least one wheel can be locked. Adequate area shall be provided for each bicycle space.

[7] Permitted uses. Permitted principal and accessory uses shall be as follows:

[a] Ground-floor. To promote the goals and intent of this provision, a project utilizing the NG-Zero in the B-RP district shall provide one or more ground floor retail or commercial uses consistent with the permitted principal uses within said district.

[b] Residential Density. Residential density shall be calculated as follows:

**Minimum Gross Lot Area Requirement per Dwelling Unit**

Efficiency (studio) apartment	375 square feet
1-bedroom apartment	500 square feet
2-bedroom apartment	750 square feet

[8] Utilities and services.

[a] Water and sewer service. All NG-Zero projects shall be located within public water and sewer service districts.

[b] Drainage. Stormwater drainage systems shall comply with the requirements of Chapter 108A, Stormwater Management and Erosion and Sediment Control.

[c] Green infrastructure. Green infrastructure to improve stormwater management, such as rain gardens, green roofs, and cisterns, shall be provided. The Town Board may, based upon the recommendation of the Town Engineer, waive or reduce this requirement where it is determined that, due to the nature or location of the property within its watershed, compliance with such a standard may be infeasible.

[d] Refuse storage and collection. Plans for the storage and collection of refuse and recycling shall be subject to Town Board approval during site development plan review. Refuse and recycling shall be stored in rodent-proof containers which shall be conveniently located to serve all dwelling units and shall be enclosed or otherwise screened from view. Such facilities shall comply with all setback requirements applicable to principal buildings and may not be located along or in the front yard.

[e] Undergrounding. All utilities, including electric, telephone and cable television service shall be placed underground, unless it is determined by the Town Board that such a requirement is technically infeasible.

[9] Coverage. The maximum permitted impervious coverage shall be 85%.

[10] Off-street parking and loading. Except as otherwise indicated below, Section 60-420.F of the Town Code shall apply to a NG-Zero project.

[a] Off-street parking shall be provided as required by the following standards:

[i] Residential - 1 space for each dwelling unit; spaces shall be located on-site.

[ii] Non-residential – as provided at Section 60-420.F(3).

[b] Such off-street parking requirements may be modified by the Town Board during review of the NG-Zero special permit application based on a detailed Parking Demand Analysis prepared by a professional engineer, transportation professional or professional architect licensed by New York State, or other competent information made available in the public record, demonstrating that such demand is satisfied through one or more of the following strategies:

(i) The projected operational characteristics of the proposed use(s) require a different amount of parking;

- (ii) Sufficient public parking is available within [ ] feet of the project site;
- (iii) Sufficient private parking is available within [ ] feet of the project site and an agreement is provided in recordable form approved by the Town Attorney which assures the continued operation of the private parking area for the life of the NG-Zero use.
- (ii) Shared parking pursuant to Section 60-430.F(3)(a)(2) except the Town Board shall not be limited to the 15% threshold set forth therein;
- (iii) on-site car sharing; or
- (iv) other strategies acceptable to the Town Board.

In making this determination, the Town Board shall consider the site's proximity to public transportation and shall find that adequate parking is available to meet the parking demand for the proposed use(s). Under no circumstances shall the number of required on-site parking spaces be reduced to less than 1 space per dwelling unit.

[c] Payment in lieu of off-street parking. Where all required off-street parking is determined to be unavailable pursuant to the standards forth in paragraph [b] above, the Town Board may require as a condition of special permit approval a payment to the Town in lieu of providing such parking spaces. The amount of the fee-in-lieu shall be established by the Town Board in its Fee Schedule. The fee-in-lieu shall be deposited by the Town in a designed trust fund to be used by the Town exclusively for ensuring the availability of adequate off-site parking in the Chappaqua Hamlet, including increasing the quality and quantity of parking spaces.

[11] Electric Vehicle Charging Stations. A minimum of 50% of the required parking shall be electric vehicle ready with sufficient capacity to charge electric vehicles at the full rated amperage.

[12] Green Building. In compliance with Chapter 74, Section 13 of the Town Code, new construction shall incorporate green building practices designed to minimize short-term and long-term negative impacts on the environment. In addition to meeting the Town Code Green Building Standards, all NG-Zero projects must comply with the following requirements:

[a] Minimize on-site generation of carbon emissions: all buildings greater than 5,000 square feet of conditioned space shall be designed and constructed with no gas or fossil-fuel fired equipment, except as required for emergency standby power.

[b] Minimize operational carbon emissions: all new construction addressed by the International Energy Conservation Code must incorporate renewable energy systems of adequate capacity to achieve net zero carbon, per the requirements of the 2021 International Energy Conservation Code (IECC) Appendix CC: Zero Energy Commercial Building Provisions.

[c] Minimize embodied carbon in building products and materials: all buildings greater than 5,000 square feet of conditioned space must perform a whole building life cycle assessment (WBLCA) of the project's structure and enclosure prior to building permit approval. The project WBLCA must demonstrate a minimum 25% reduction in global warming potential (GWP) compared to a typical baseline building. Suitable WBLCA frameworks include LEED v4.1 Building Design & Construction and ANSI/GBI 01-2021 Green Globes Assessment Protocol for Commercial Buildings. Where possible, material reuse (salvaged material) is strongly encouraged, as these materials can be designated to have low/zero GWP.

[13] Open space.

[a] Outdoor space. Outdoor space shall be provided in the form of individual patios, terraces, rooftop garden, community garden, courtyard deck and/or balcony.

[b] Public open space. Pursuant to the purpose and intent of the NG-Zero to foster a walkable community and activate street life in the downtown, public open space shall be provided in connection with the required ground floor commercial uses.

[c] Other open spaces. Land within a NG-Zero project site which is not used for one or more of the purposes enumerated above shall be designed and maintained as permanent open space either to be improved and landscaped or to be preserved in its natural state, all in accordance with plans and restrictions as may be approved by the Town Board.

[14] Design.

[a] The scale, massing and character of a proposed project shall not negatively alter the character of the area in which the NG-Zero project site is located.

[b] The design shall include features that enhance the visual aesthetic and pedestrian experience, such as streetscape improvements, attractive lighting, benches, variation of façade and building materials, landscaping, and suitable building and parking orientation.

[c] The design shall include landscaped side and rear yards, especially when adjacent to lower density residential uses.

[d] The height of a project in the NG-Zero may not exceed 60 feet or 4 stories. To ensure development compatible with the area in which the NG-Zero project is located, the Town Board may further limit the height.

[e] The design shall integrate low-impact ecologically conscious construction techniques and construction management practices.

[f] All NG-Zero projects shall create active facades along streets. Building facades facing a street shall be defined as “street walls” and adhere to the following requirements:

[i] Street wall height shall not exceed maximum allowable building height.

[ii] Street walls occupying less than 75% of street-facing linear frontage within 10’ of property line shall be allowed to extend to maximum allowable building height.

Street walls occupying greater than 75% of street-facing linear frontage within 10’ of property line shall step-back no less than 10’ above ground floor level.

[15] Visual mitigation. An applicant for a mixed-use project in the NG-Zero shall prepare a shadow study and visual impact assessment of the proposed project based upon appropriate modeling, photography and other pertinent analytical techniques accounting for the worst-case seasonal conditions.

(16) Waiver of site requirements. As an incentive to provide public benefits, the Town Board may, at its discretion, waive the site requirements of this provision to incentivize the developer to provide off-site improvements and amenities, acquire land for a public purpose provided that the Town Board agrees to accept such dedication, and/or such other special design features or facilities as may be requested or approved by the Town Board.

(c) Application Procedure. Except as otherwise indicated below, applications for NG-Zero special permits shall comply with the procedures and requirements in § 60-430B.

[1] Application. An application for a NG-Zero special permit and site development approval shall be submitted to the Town Clerk’s Office, with 12 copies, and an electronic file format. The application shall include at least the following items of information:

[a] The names and addresses of the property owner(s) of the applicant (if other than the owner), and of the planner, engineer, architect, surveyor and/or other professionals engaged to work on the project. If the applicant is not the owner of the property, authorization from the owner(s) to make the application shall be provided.

[b] A written statement: (i) describing the nature of the proposed NG-Zero special permit and a site development plan and how the proposed project is consistent with and will serve the purpose of NG-Zero; (ii) describing how the site

development plan is consistent with the Town Development Plan; (iii) describing in narrative or graphic form the relationship of the proposed site development plan with adjoining properties, other uses and improvements and the broader community; (iv) analyzing the availability and adequacy of utilities to serve the proposed site development plan; (v) analyzing the safety and capacity of the street system in the area in relation to the anticipated traffic generation and parking demand of the proposed project, and (vi) presenting such other information as may be required by law or deemed necessary by the Town Director of Planning to ensure efficient review of the application.

[c] A site development plan for the project site drawn to a convenient scale and including the following items of information: (i) the area of the property in both acres and square feet; (ii) the floor area in square feet of the proposed site development plan; (iii) a map of existing terrain conditions of the proposed site, including topography with a vertical contour interval of no more than two feet, existing drainage features, and major environmental features; (iv) a sketch indicating the location of the proposed project improvements with respect to neighboring streets and properties, including the names of all owners of property within 500 feet of the development site, showing the existing zoning of the property and showing the location of zoning district boundaries in the surrounding area; (v) a site development plan indicating the footprint, height, and design of the building(s), the approximate layout of individual uses, pedestrian and bicycle access, parking areas and access drives, and the general nature and location of other proposed site improvements including landscaping and screening, storm drainage, water and sewer connections, etc., (vi) a generalized schedule for construction staging and completion of the proposed project; and (vii) an application fee in an amount as set forth by resolution of the Town Board in the Master Fee Schedule, which may be amended.

Upon determination by the Director of Planning that a proposed project requesting an NG-Zero special permit and site development approval is substantially complete, the Director of Planning shall refer said application to the Town Board for review at its next regularly scheduled meeting.

[2] Referrals to Planning Board and Architectural Board of Review. Upon receipt and review of a properly completed application for a NG-Zero special permit, the Town Board shall refer the application to the Planning and Architectural Review Boards for concurrent review and report.

[3] Concurrent Public Hearings By Town Board and Planning Board. Within 62 days of the date a completed NG-Zero special permit application is received, the Town Board and Planning Board shall schedule and concurrently hold a joint public hearing on the NG-Zero special permit and site development application. Such joint meeting shall constitute the Planning Board's report to the Town Board, however, if the Planning Board opts to provide a written advisory report to the Town Board, such report shall be provided within 30 days of the joint meeting.

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[4] Special Permit Approval by Town Board. Within 62 days of the later of the date that the public hearing is closed or that all actions required under the State Environmental Quality Review Act as a prerequisite to Town Board action have been taken, the Town Board shall act to approve, approve with modifications, or disapprove the NG-Zero special permit. Nothing in this section is to be construed as authorization for a default approval in the event these periods are exceeded.

[5] Site Development Plan Approval by Planning Board. The Town Board's approval of an NG-Zero special permit shall be deemed to authorize the Planning Board to render a determination with respect to site development plan approval pursuant to §60-440D and E, as applicable, except for compliance with the site development standards in §60-430.O(19)(b) of this section which shall be determined by the Town Board.