

George Latimer
County Executive

December 19, 2022

Christina Papes, Town Clerk
Town of New Castle
200 South Greeley Avenue
Chappaqua, NY 10514-3399

**County Planning Board Referral File NWC 22-009 – NG-Zero Special Permit
Zoning Text Amendment**

Dear Ms. Papes:

The Westchester County Planning Board has received a petition to amend the text of the New Castle Zoning Ordinance to add a new NG-Zero - North Greeley Net Zero Carbon special permit use within the B-R – Retail Business and B-RP – Retail Business and Parking districts. The special permit would permit mixed-use buildings of up to four stories, with studios (375 square feet per unit), one-bedroom (500 square feet per unit), and two bedroom (750 square feet per unit) apartments permitted. At least one commercial unit would be required on the ground floor of a building. Nonresidential parking standards would remain, but one space per residential unit would be required under this use. Nonresidential parking requirements could be modified by the Town Board under management strategies, such as sharing lots or utilizing nearby public parking. 50% of the parking spaces would be required to include electric vehicle charging capabilities. One bicycle parking space per unit would also be required, within a secure location. To be eligible for the special permit, a property must be at least 33,000 square feet in size and located on the western side of North Greeley Avenue, but not on a corner lot, and not on a lot with frontage on either King Street or Allen Place.

The special permit regulations would also include design requirements, including green building standards. Buildings larger than 5,000 square feet would not be permitted to use gas or other fossil fuel equipment, except for emergency power. Renewable energy systems must be utilized, and building construction practices must follow a Whole Building Life Cycle Assessment that demonstrates a 25% reduction in global warming potential compared to a typical building. Design criteria also include standards to improve the pedestrian experience and to enhance the character of the neighborhood.

If the zoning amendment is approved by the Town, the petitioner would seek special permit and site plan approvals to construct a mixed-use building on a 0.83-acre site located at 50 North Greeley Avenue (SBL 100.11-2-1). The site currently contains a vacant one-story commercial building and associated parking lot, which would be demolished. The site is within walking distance to the Chappaqua Metro-North station, with the Metro-North right-of-way running along the rear property line.

The proposed building would be four stories, and contain 45 residential units on the upper three floors, five of which would be set as affordable affirmatively furthering fair housing (AFFH) units. The ground floor would contain 6,600 square feet of commercial space fronting on North Greeley Avenue, a 49-space parking garage (with four spaces reserved for the commercial tenants), and a bicycle storage room. Amenity spaces would be provided throughout the four floors of the building. Three outdoor terraces would be located on the second floor, accessible by the residents and acting as rooftop courtyards. Tenant lobbies would be provided at the north and south ends of the building, and public plazas would be cut out of the triangular shaped building to provide access and possible outdoor seating for the commercial units. The building construction would focus on green practices, including timber-based materials, electric heating, green roofing, and other measures.

We have no objection to the New Castle Town Board assuming Lead Agency status for this review.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code. As a preliminary site plan (dated September 20, 2022) has also been submitted, the following includes comments regarding both the zoning amendment and the preliminary site plan. However, we will reserve our full site plan comments for a later phase of review, if the zoning amendments are adopted.

1. Scope of zoning amendment.

The Westchester County Planning Board has consistently advocated for higher-density, transit-oriented development within the Chappaqua hamlet. This is because the hamlet is generally underutilized, with some of the largest municipally owned surface parking lots in Westchester County. The location of these municipal properties in the Saw Mill Sewer District, with good transit and road connectivity, offers an unprecedented opportunity to broaden the range of housing types available in northern Westchester. This is an important regional goal that the County has identified in the *Westchester County Housing Needs Assessment*.

Although we were encouraged when the Town proposed a new Form Based District that would facilitate the growth potential that existing infrastructure would support, the Town scaled this back dramatically in 2021 by reducing the scope of the Form Based District to include properties along North Greeley Avenue only. After this, the Form Based District was no longer considered, while the Town continued a development moratorium within the Chappaqua hamlet for a fourth year. The current zoning amendment involves a petition by a property owner to develop a long-vacant site that could not be developed during the moratorium, which has recently ended. However, this petition represents yet another reduction of scope in terms of developing the Chappaqua hamlet with additional residential density.

While it is true that the NG-Zero special permit regulations will permit higher density mixed use development within the Chappaqua hamlet, the regulations are very narrow and specific, and could potentially only permit development on the petitioner's site. Meanwhile, the rest of the Chappaqua hamlet (including the vast areas of municipally owned surface parking) would not be impacted by these

regulations, and would not have the opportunity to be developed with housing that is needed. While we believe the NG-Zero regulations to be a positive step towards bringing environmentally responsible, mixed-use development to Chappaqua, there needs to be more consideration for multi-family development beyond the small area that this zoning amendment would affect. In particular, we recommend the Town consider the following:

- We recommend that the Town consider permitting this special permit use to be applicable to more properties within the BR and BR-P zones, as well as the adjacent I-P – Planned Industrial district, and perhaps other areas of the Chappaqua hamlet.
- It may be beneficial to consider the higher-density NG-Zero regulations within the context of a floating zone, as has been done in other municipalities around their train stations.
- While we appreciate the importance of the green building requirements within the special permit regulations, such stringent requirements may make development too difficult to achieve. We recommend that higher levels of density be considered to incentivize such a high level of green building construction, which we support.

2. Consistency with County Planning Board policies.

We note that the preliminary site plan is consistent with 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, because it would provide additional housing within walking distance of the Chappaqua downtown, public transit, and amenities. We also commend the extensive green building practices, bicycle storage room, and streetscape improvements.

3. Parking.

We agree with the requirements that would regulate residential parking to one space per unit, as this site is near ample mass transit opportunities and lies within a commercial center. We also commend the applicant for including a means for developers to further reduce parking requirements for commercial tenants through shared parking and other management programs. Such practices have been utilized in many of Westchester’s municipalities as a way to promote transit-oriented development, reduce housing costs, and lessen the environmental and congestion impacts of single-occupancy vehicle trips.

4. Sewage flows.

The proposed development will increase sewage flows from this site into the existing infrastructure. The increased flow will add to the volume of sewage flow requiring treatment at a Water Resource Recovery Facility operated by Westchester County. Since 2010, it has been the policy of the County Planning Board that municipal governments require the applicant to identify mitigation measures that will offset

the projected increase in flow. The best means to do so is through reductions in inflow/infiltration (I&I) at a ratio of three for one for market rate units and a ratio of one for one for affordable AFFH units.

The County Planning Board further recommends that the Town implement a program that requires inspection of sewer laterals from private homes for leaks and illegal connections to the sewer system, such as from sump pumps. These private connections to the system have been found to be a significant source of avoidable flows. At a minimum, we encourage the Town to enact a requirement that a sewer lateral inspection be conducted at the time property ownership is transferred and any necessary corrective action be enforceable by the municipal building inspector.

5. Recycling.

As the site plans are refined, the Town should request the applicant to verify that sufficient space will be available to store recyclables under the County recycling program which includes plastics numbered 1 through 7. County regulations for plastic recycling may be found at:

<http://environment.westchestergov.com>.

Please inform us of the Town's decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond
Commissioner

NVD/MV