



# TOWN OF NEW CASTLE

200 S. Greeley Avenue, Chappaqua, New York 10514 • Ph. (914) 238-4724 • Fax (914) 238-5177

## PLANNING BOARD

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Robert C. Kirkwood

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Richard P. Brownell

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Town Board

March 13, 2023

Counsel:

Jennifer Gray, Esq.

Re: 50 North Greeley  
Review Process

Director of Planning:

Sabrina D. Charney Hull, AICP

Town Engineer

Robert J. Cioli, P.E.

Environmental Coordinator:

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We are concerned that the Town Board's review process for the 50NG proposal has not yet adequately engaged New Castle residents' attention. The Planning Board believes a complete review of the design proposed is needed to provide informed public guidance on the project's pending special permit code legislation and SEQR finding. Our very preliminary look at the drawings has prompted some questions regarding the proposal. Generally, we are not convinced that the design will contribute positively to the enhancement of the North Greeley public space.

Merchants, residents, and town boards for years have been looking at the poor condition of the North Greeley corridor, searching for a vision and a mechanism to remake it into a vibrant and attractive public asset for all to enjoy and benefit from, and from which North Greeley property owners can profit. The 50NG site has always been the cornerstone on which to build that vision. Now, finally, it may be possible to start.

The Planning Board believes that effort should begin with a full and open public dialogue of the developer's design proposal before any further actions are taken on the zoning legislation that will, in the end, shape it. And we believe it should begin soon with joint Town Board/Planning Board review meetings. Those meetings can also provide a platform to investigate essential questions regarding the environmental impacts/benefits that will go to determining the Town Board's SEQR action for the pending project.

We also suggest a commensurate referral to the Board of Architectural Review: the architectural design of the proposed very large building will have a very big impact on the future community character of the North Greeley public space.

We are now working to provide you with our recommendation (as requested by you) for maximum building height. We propose that a physical model of the North Greeley corridor, including the developer's design proposal, be provided by the developer for the town's use. This model will not only be useful to the height question, but also to overall building mass and orientation for all to view, including the public. Our preliminary specifications for the model have been forwarded to the town planner.

The Planning Board is in full support of assisting the Town Board in transforming this property, and the North Greeley corridor as a whole, into a vibrant and attractive asset. We believe the best path to success is a fully collaborative, expeditious and transparent process.

As we have suggested previously, we think the review process for 50NG would profit from reprising the successful review model used by the Town for Chappaqua Crossing, another critically important project that involved new zoning. We understand that the format is part of our zoning code and would be available for the 50NG project. The 50NG process would start with a complete site plan review by the Planning Board with the explicit support of the Town Board. That public review would include collaborative work sessions with the applicant. The desired outcome would be a preliminary site plan for the final review by the Town Board. Should the applicant and the Planning Board not reach substantive agreement, the Planning Board would refer specific plan recommendations to the Town Board for final action. Our purpose in suggesting this process is to ensure the Town Board and residents receive the informed review and advice that the future of North Greeley requires.

#### Attachments

Attachment 1: Zoning Referral Response Memo

Attachment 2: Preliminary Design Review Concerns

Attachment 3: Preliminary SEQR Concerns

Attachment 4: Study Model Specifications

## 50NG Design Review Comments

TC Draft 120323

The 50 North Greeley property occupies more than 400 linear feet of the approximately 600 feet of the North Greeley Street frontage; by comparison, the entire easterly side of South Greeley is approximately 500 feet long. Development on the 50NG site will determine the future success of the North Greeley corridor: it can make a critical contribution to a pleasant, active and attractive public experience or a vacant, unattractive and underused one.

To make town streets a success, there are well-established, standard practice principles to which architects and town planners turn. Our recent beautification of Greeley Street have made a positive difference in the attractiveness of the hamlet. But our new benches, sidewalks, landscaping, and street lighting, superb as they are can't do the job alone. Success requires the contribution of the property owners who build the facades and the tenants who contribute to the streetwall of shops, services and amenities that draw people to town. From the Planning Board's quick look at the proposed 50NG project design, it appears that too few of those principles for success have been applied.

In the efforts to improve the hamlet, and the long debates surrounding them, one broad consistent theme emerges. In summary, it's the aspiration for

*A pleasant, active, hamlet-scaled public corridor conducive to pedestrian enjoyment and engagement that enhances the value of all N. Greeley properties and is complementary to the established character and physical framework of the hamlet.*

To that end, we believe the Town Board should review the following site plan features of the currently proposed design for 50 North Greeley.

*To create a pleasant, activate N. Greeley frontage:*

- The location of the main residential lobby.
- The configuration of retail spaces.
- The 160' parking garage/driveway/bike storage on North Greeley.
- The building overhangs at outdoor public spaces.

*To reinforce a hamlet-scaled public street:*

- The four floors along the North Greeley frontage.
- The proposed roof height.
- The proposed street wall height.
- The proposed building street wall cantilevers.
- The amount of glass in ground floor street wall facade.

*To complement the established character and physical framework of the hamlet:*

- The oblique building orientation to N. Greeley.
- The uniform expanse of the wrapped 740' building facade.
- The disorganized pattern of window openings.

*To enhance the life safety provisions of the building:*

- The single means of vehicular egress from the parking garage.
- The presence of existing utility poles and wires along the building frontage.

## 50NG SEQR Concerns

TC Draft 120323

To date, the Planning Board is unaware of a SEQR determination by the Town Board regarding the proposed zoning amendment, (*i.e.*, Type I, Type II, Listed, Unlisted, *etc.*). The Town Board may yet decide that a full SEQR assessment is not warranted. However, as we understand, if an assessment is warranted the proposed project would "stand in" as a demonstration of the consequences of the zoning change adoption.

Regardless of the Town Board's determination for the need for a full assessment, the Planning Board believes SEQR protocols do offer a useful platform for the investigation of potential impacts and community benefits. Such investigation could offer an important opportunity for modification/mitigation of the proposed project's design that can make it a better project for the hamlet and for our town as a whole.

What follows below are a list of some typical requests that would attach to a SEQR process for a building of this type on this site. Though there is not yet a SEQR scope, and the Town Board may decide there is no need for one, the list below represents questions and requests that we feel are appropriate and prudent for this specific development proposal. The zoning action would provide for a very significant increase in the value of the applicant's property. In return, the Planning Board feels the residents of the New Castle community should receive protections of the public realm commensurate with their vision for a future North Greeley neighborhood.

Again, the intent is to provide for a design that optimizes for the prerogatives of both the private property interests and the interests of the public. We recommend that a review of the developer's proposal address these items at the earliest reasonable date.

*Insure the design provides for life-safety emergency services access.*

- Assess impact of existing power poles and lines to firefighting at the sit .
- Determine need for curbside fire lane and impact of parking loss to parking district.
- Assess need for greater building setback from curb.
- Assess need for further building setback from north and south property lines.
- Confirm that parking garage single point of entry is sufficient for firefighting operations.
- Determine preferred points of site and building entry for FD and EMS operations.
- Confirm acceptability and locations of EV charging stations within the building structure.
- Determine whether there is water sufficient pressure in the street to meet building sprinkler and fire apparatus demand.

*Insure the design provides parking for tenants, guests, employees and customers without unfairly impacting hamlet parking resources.*

- Confirm cited national parking standards satisfy the specific characteristics of the hamlet.
- Confirm parking ratio reduction is viable in light of limited hamlet life-needs/resources.
- Confirm parking ratio reduction is sustainable in light of suburban life-style expectations.
- Justify expectations of reduced parking demand for residents in the future.
- Confirm car sharing provision supports a permanent on-site 25% parking reduction.
- Identify on-site corrective provisions should car sharing prove ineffective.

- Identify number and location of guest parking spaces.
- Provide parking for most parking-intensive ground floor commercial use.
- Locate refuse storage/access thereto and recalculate number of parking spaces provided.
- Calculate on-site parking demand for a three story building.

*Insure the design is compatible with, and promotes the expansion of, the existing physical character of the hamlet.*

- Examine the "fit" of the proposed building height with the balance of the hamlet.
- Examine the viability of below grade parking to reduce the proposed building height.
- Refer the design to the Architectural Board of Review for overall design compatibility.
- Examine building mass and orientation for compatibility with community character.

*Enhance the town's "green" credibility and public infrastructure.*

- Examine viability of enhanced storm water mitigation as a condition of approval.
- Justify green roof stormwater credit over the life of the building.
- Examine solar panel roof as a "green" roof alternative and workforce/affordable tenant cost savings.
- Investigate soil conditions for geothermal compatibility.
- Assess increased combined sewage demand/capacity from proposed project and pending project north of site.

*Optimize private/public benefit through the exploration of practicable design alternative(s).*

- Provide a design alternative that mitigates for height, building mass and orientation.
- Assess relevant benefits provided by the proposed height, massing, and density.

*Economic considerations*

- Explore the economic costs associated with the effective loss of this property in the parking district.
- What are the expected tax proceeds to the Town and to the CSD?
- Will the expected tax proceeds to CSD result in additional tax burden to CSD taxpayers?



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**TO:** New Castle Town Board

**FROM:** New Castle Planning Board

**DATE:** January 25, 2023

**RE: REFERRAL NG-ZERO LEGISLATION**

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Upon referral by the Town Board, the Planning Board reviewed the proposed NG-Zero Legislation at its meetings of December 20, 2022, January 3, 2023 and January 17, 2023. The Planning Board also met jointly with the Town Board on January 10, 2023 and January 24, 2023 to discuss the proposed legislation.

The NG-Zero Legislation was proposed to the Town Board by the owner of property located at 50 North Greeley Avenue in the BR Zoning District ("Petitioner") in connection with a proposal to construct an environmentally sustainable, mixed use development with net-zero carbon emissions. Prior to undertaking discussion of the legislation, the Planning Board entertained a presentation from the Petitioner which provided a detailed review of the proposed project and the proposed legislation. If adopted, the NG-Zero Legislation would establish a new special permit use in the BR and BR-P Zoning Districts to provide zoning incentives, such as increased height and density and decreased parking requirements, for the construction of a sustainable development that results in net-zero carbon emissions. As drafted, property at 50 North Greeley Avenue and the parcel immediately to the north in the BR-P Zoning District would be the only two parcels eligible for the NG-Zero special permit.

The Planning Board is concerned that the proposed legislation may have unintended and inequitable consequences for other properties in the hamlet. Specifically, the Board is concerned that the proposed legislation will disproportionately allow the proposed development to over-utilize common resources of the area such as parking, stormwater, and other infrastructure, to the detriment of nearby properties' ability to redevelop in the future. The Planning Board recommends the Town Board engage in further studies, specifically a comprehensive parking study, to gather information about the potential consequences of the proposed legislation. Further, the Town Board should explore expanding the geographic scope of the legislation and revise it to include less specific and less onerous requirements.

The Planning Board also questions the approach of establishing a new special permit use in the BR and BR-P Zoning Districts, as compared to other zoning mechanisms such as an Overlay Zone or Floating Zone. The Planning Board also discussed exploring the establishment of an approval process similar to that of the Preliminary Development Concept Plan (PDCP) for the Multi-Family Planned Development (MFPD) and the Office Park Retail Overlay District (OPROD) established for the

development at Chappaqua Crossing. The PDCP (Town Board) and Site Development Plan (Planning Board) review procedures in the current Town Code allow the Town Board and Planning Board to work in tandem while the Planning Board retains jurisdiction over most site planning issues. Under the proposed legislation, much of the site planning authority is removed from the Planning Board in favor of the Town Board. The Planning Board recommends that the Town Board re-evaluate the proposed zoning mechanism and consider utilizing an Overlay or Floating Zone approach, or adjust the proposed application review procedures to allow the Planning Board to retain full jurisdiction over review of a Site Development Plan.

With that said, the Board reviewed each section of the legislation and offers the following comments:

Section (19)(a). *Purpose and Intent.* The Planning Board recommends revising this section to be more concise and direct. Much of the language in this section is not relevant to the purpose of the proposed zoning. It appears that the Town Board intends to allow an increase in the maximum permitted height, reduce parking requirements and allow for increased density in exchange for a development that is more environmentally sustainable than would otherwise be required under the existing Town Code. This point should be stated more directly than what is currently stated.

Section (19)(b)[1]. *Site Requirements.* The Planning Board recommends exploring a wider application of the proposed zoning rather than limiting its applicability to a small area of North Greeley.

Section (19)(b)[2]. *Dwelling Unit Type.* The Petitioner explained to the Planning Board that they proposed limiting the dwelling unit type and size in response to concerns about impacts on the Chappaqua Central School District. The Planning Board recommends omitting these limitations, including the provision that allows the Town Board to “authorize the establishment of a room to be used as a home-office”. It is not necessary for the Town to engage in this level of specificity in its zoning regulation to achieve its desired results.

Section (19)(b)[3]. *Ownership.* The Planning Board recommends omitting this section because it limits the applicability of the legislation by precluding one or more property owners from assembling parcels to take advantage of the benefits of the proposed legislation.

Section (19)(b)[4]. *Affordable Housing.* This section reflects the standards of the existing Town Code. The Applicant presented information stating they were proposing affordable/work force housing that exceeds the Town Code requirements. The Planning Board recommends including increased requirements for affordable housing above and beyond the existing Town Code requirements in exchange for the zoning incentives offered in the proposed legislation such as increased height and density, along with reduced parking requirements.



Section (19)(b)[5]. *Traffic Management*. See Off-Street Parking and Loading section comments below.

Section (19)(b)[6]. *Off-Street Bicycle Parking*. The Planning Board recommends omitting this section as it believes it is not necessary to require off-street bicycle parking spaces. This is an item that can be addressed during site development plan review rather than specifically legislated.

Section (19)(b)[7](a) *Permitted Uses. Ground-Floor*. The Planning Board recommends exploring whether ground floor retail or commercial should be omitted as a requirement. A ground floor retail or commercial requirement may unnecessarily limit a proposed development and may not be desirable for the upper-level residences.

Section (19)(b)[8] *Utilities and Services*. Stormwater is a serious concern. Given the flooding in the hamlet, the Planning Board recommends that stormwater impacts of any proposed development should be carefully reviewed and careful attention paid to whether the existing municipal storm sewer system has reached its limit. The Planning Board recommends exploring whether additional stormwater requirements should be imposed that exceed current Code requirements, particularly where the proposed legislation includes increased potential density and height, and reduced parking requirements.

Section (19)(b)[8] *Utilities and Services. Green Infrastructure*. The Planning Board recognizes that green infrastructure requirements are in the Town Code today and the proposed legislation includes requirements that exceed current requirements. Given the high groundwater and geology in this area, the Planning Board recommends exploring whether more restrictive measures should be included in the proposed legislation, especially since the intent of the proposed legislation is to encourage and facilitate sustainable, environmentally-friendly development.

Section (19)(b)[8] *Utilities and Services. Undergrounding*. The Planning Board views this requirement as a significant imposition on the developer, but a good result for the Town.

Section (19)(b)[10]. *Off-Street Parking and Loading*. Parking is of particular concern as the proposed legislation includes several mechanisms that would allow the Town Board to reduce the required amount of non-residential parking provided on-site. According to the Petitioner's presentation of the project proposed at 50 North Greeley, all required residential parking would be provided on-site, but most (or all) of the non-residential parking would be provided off-site. The Planning Board is concerned about the unintended consequences of allowing an applicant to utilize off-site parking areas to meet a project's parking demand. For example, if available parking spaces in the municipal parking lot on the east side of North Greeley is taken into account in determining the project has adequate off-site parking available to accommodate the non-residential parking demand, what happens when another property along North Greeley decides to redevelop and seeks to also rely on parking in the municipal parking lot? It seems inequitable to allow municipal parking to be allocated as such on

a first-come-first-served basis. If off-site parking is going to be relied upon to demonstrate a project can meet its anticipated parking demand, the Town Board should consider engaging in a comprehensive parking study for the Chappaqua hamlet. The study will be necessary to guard against unintended consequences and gather the knowledge and information necessary to understand whether the proposed legislation provides a beneficial result for the Town. The study should project future conditions based on existing and proposed zoning to provide the data necessary to achieve an equitable result that will not preclude property owners in the hamlet from redeveloping their property in the future. It should also include information to allow the Town Board to determine whether the proposed means by which the non-residential parking requirements may be reduced are viable. For example, the proposed legislation states that where on-site car sharing is provided the Town Board may reduce the required number of non-residential parking spaces. However, the legislation does not address how many parking spaces should be waived for each car share provided.

Section (19)(b)[10] *Off-street Parking and Loading. Payment in lieu of off-street parking.* The Planning Board is not in favor of a program for payment in lieu of parking without further study as to whether such a program would be a benefit to the Town.

Section (19)(b)[11] *Electric Vehicle Charging Stations.* The Planning Board questions whether it is necessary to include this requirement in the proposed legislation.

Section (19)(b)[12]. *Green Building.* The Planning Board is concerned that these additional requirements which go beyond the Town's current requirements may be onerous to other properties against whom the proposed legislation is applied – especially if the scope of the proposed legislation is expanded beyond its current geographic location.

Section (19)(b)[13]. *Open Space.* This section of the legislation is very specific and appears to stem from the site plan that has been included in the petition advancing the proposed legislation. The Planning Board recommends omitting requirements with this level of specificity and leave this issue to be addressed during the site plan review phase of a project. If this requirement nonetheless remains in the legislation, minimum size requirements should be included.

Section (19)(b)[14]. *Design.* The Planning Board recommends omitting design requirements because they are duplicative of the review that occurs during the site plan phase of a project. To codify these elements with such specificity would detract from the ability of the Planning Board to discuss design adjustments with the applicant to achieve a better result for the Town.

Section (19)(b)[15]. *Visual Mitigation.* The Planning Board recommends omitting these requirements because they are duplicative of the review that occurs during the SEQRA review and site plan phase of a project. If this requirement nonetheless remains in the legislation, standards should be provided. For example, what happens

after a study is conducted? Are there requirements regarding light spillage? Shadows?

Section (19)(b)[16]. *Waiver of Site Requirements.* The Planning Board recommends omitting this section as it unnecessarily usurps the authority of the Zoning Board of Appeals.

Section (19)(c)[1](c). *Application procedure.* The Planning Board questioned why a separate special permit process should be created for this one particular special permit use, rather than rely upon the existing special permit process, or the existing site plan review procedures. By creating a specialized procedure that applies only to the NG-Zero special permit use the Planning Board is concerned about inequities for other property owners that do not have the benefit of this procedure.

Section (19)(c)[1](c). *Application procedure. Application submission requirements.* Given what we know about the geology in this area of the hamlet, the application submission requirements should include a geotechnical study.

Section (19)(c)[5]. *Application procedure. Site Development Plan Approval by Planning Board.* The proposed legislation delegates review of the site development plan for a proposed NG-Zero special permit use to the Planning Board. However, the proposed legislation limits the Planning Board's jurisdiction to only those items that are not already addressed by the proposed legislation's special permit standards. The proposed legislation includes so much specificity as to design and other requirements in the special permit standards that many of the typical and traditional site planning elements have been removed from the Planning Board's jurisdiction and retained by the Town Board. The Planning Board is in favor of a process that would allow the Planning Board to exercise its full jurisdiction to review a site development plan, rather than the constrained review proposed in the current legislation.

cc: Jill Simon Shapiro, Town Administrator  
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