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MEMORANDUM

To: Paul S. Rosenberg, Mayor, and the Village of Rye Brook Board of Trustees

Date: December 14, 2017

Subject: 900 King Street – Petition to Amend the Planned Unit Development (PUD) Regulations and an Application for Approval of PUD Concept Plan

As requested, we reviewed a further revised petition to amend Section 250-7 E., the PUD district regulations of the Village Code, a Technical Memo, and PUD Concept plans submitted by Rye King Associates, LLC, property owner, to demolish the existing office building on the property and construct 269 units of age-targeted housing and other related infrastructure, including driveways, walkways, garage and surface parking, site lighting, signage and stormwater management on the property known as 900 King Street, Town of Rye Tax Map Parcel 129.68-1-13.

Property Description

The 17.77-acre subject property is located within the PUD district situated on the west side of King Street south of the Hutchinson River Parkway that includes The Arbors residential development and Harkness Park. It is developed with a 215,000 square-foot office building and surface parking area. The subject lot is adjacent to and west of Village Hall and the Village firehouse, adjacent to and south of the

Hutchinson River Parkway, adjacent to and east of The Arbors, and adjacent to and north of Harkness Park and the Blind Brook High School property. It is within the King Street Scenic Road Overlay District (SROD).

Although the lot has 164.78 feet of frontage along King Street, currently it does not have direct vehicular access from King Street. Vehicular access to the lot is provided at two locations along the north side of Arbor Drive, which is currently the only access road to and from King Street for the commercial and residential portions of the PUD.

According to Sheet C-100, Existing Conditions, there are four wetland areas and a watercourse on the subject lot, and areas of steep slopes are situated in various

locations. The lot has open areas that are landscaped and planted with mature trees and shrubs, and areas that are naturally vegetated.

Revised Project Description

The Applicant proposes to demolish the office building, its parking area, and infrastructure to construct rental senior housing for residents at least 55 years or older that is a mixture of independent living units and assisted living units. There is no subdivision associated with this application. According to the Technical Memorandum, dated October 26, 2017, the development would include 24 semi-attached, two, to two and one-half story, independent living townhomes, and a three to four-story multiple dwelling with 160 independent-living apartments, which is attached to an 85-bed/unit assisted-living and memory-care facility. According to the Technical Memorandum, the assisted-living and memory-care units would not include kitchens so, subject to confirmation by the Village of Rye Brook Building Inspector, they may not be classified as dwelling units according to the Rye Brook Code. The building would have two entrances, one for the independent-living apartments, and the other for the assisted-living and memory-care units. The townhomes and the apartments would be a mixture of one, two and three-bedroom units. The Applicant proposes nineteen of the dwelling units to be AFFH units in accordance with the requirements of Section 209-3F and Section 250-26.1F (3)(d) of the Village Code.

Parking spaces would be provided in a garage under the multiple dwelling building and in smaller surface parking areas located throughout the complex. The townhomes would include attached garages and driveway parking. The PUD Concept Plans also would include two access/egress points to the lot along Arbor Drive and an emergency access road into the northeast corner of the site from the parking lot of the firehouse, stormwater management facilities, signage, site lighting and landscape plantings.

The revised petition and local law to amend Section 250-7 E. of the Village Code regarding PUD development would add a new section of regulations specific to the 900 King Street PUD. The new section would have specific regulations for the proposed development with respect to lot size, gross floor area per acre, number of dwelling units per acre, the age-restriction parameters, allowable building height, required setbacks/buffers, maximum impervious surface coverage, parking, lighting, and a landscape plan. The latest version of the local law increases minimum lot size to 17 acres and includes a maximum of 4 stories, a maximum of 26,000 square feet of gross floor area per acre, a maximum of 10.4 dwelling units per acre, 4.8 assisted living units per acre, a minimum 42–foot front yard setback, minimum 90-foot side yard setback, minimum 30-foot rear yard setback, and a maximum total impervious surface coverage of 40%.

The Board of Trustees, the Lead Agency for the SEQRA review, referred the zoning petition and the PUD Concept Plans to the Planning Board on June 27, 2017.

Review

We reviewed the revised proposed regulations, additional correspondence, new and revised supporting documents, and new and revised plans that constitute the PUD concept plans, submitted by the Applicant that include the following items:

1. Full Environmental Assessment Form Part 1 and the Mapper Summary Report dated July 13, 2017
2. Zoning Petition from Rye King Associates, LLC, New York, N.Y., dated June 5, 2017
3. Revised Local Law Amending Chapter 250 of the Village Code prepared by the Applicant
4. Draft Technical Memorandum, with Figures 1 thru 32 and Appendices A thru H prepared by AKRF, White Plains, N.Y. dated October 26, 2017
5. Letter to the Planning Board from Veneziano and Associates (Mark P. Miller), Armonk, N.Y. dated December 7, 2017
6. Letter to the Planning Board from Veneziano and Associates (Mark P. Miller), Armonk, N.Y. dated October 26, 2017
7. Letter to the Mayor and Board of Trustees from Veneziano and Associates (Mark P. Miller), Armonk, N.Y. dated June 5, 2017
8. Letter to the Planning Board from AKRF (Peter Feroe), White Plains, N.Y. dated July 25, 2017
9. Comment Letter to Paul S. Rosenberg, Mayor from the New York State Department of Transportation (Lee Zimmer, P.E.) dated July 28, 2017
10. PUD Concept Plans prepared by JMC, PLLC, Armonk, N.Y.:

Sheet Number	Sheet Title	Date
C-000	*Cover Sheet*	10/26/17 rev. 10/26/17
C-010	*Notes and Legends*	9/28/17 rev. 10/26/17
C-100	*Existing Conditions*	9/28/17 rev. 10/26/17
C-110	*Demolition Plan*	9/28/17 rev. 10/26/17
C-120	*Steep Slopes Map*	9/28/17 rev. 10/26/17
C-130	*Tree Removal Plan*	9/28/17 rev. 10/26/17
C-131	*Tree Removal Plan*	9/28/17 rev. 10/26/17
C-200	*Erosion and Sediment Control Plan*	9/28/17 rev. 10/26/17
C-300	*Layout and Striping Plan*	9/28/17 rev. 10/26/17
C-320	*Fire Truck, Emergency Vehicle and Truck Turning Plan*	9/28/17 rev. 10/26/17
C-330	*Open Space Plan*	10/26/17 rev.10/26/17
C-400	*Grading Plan*	9/28/17 rev. 10/26/17

C-500	*Utilities Plan*	9/28/17 rev. 10/26/17
C-600	*Lighting Plan*	9/28/17 rev. 10/26/17
C-900 to C-906	*Construction Details*	9/28/17 rev. 10/26/17
C-907	*Construction Details*	10/26/17 rev.10/26/17
L-100	*Landscape Plan*	9/28/17 rev. 10/26/17

11. Architectural Drawings prepared by Perkins Eastman Architects, New York, N.Y.:

Sheet Number	Sheet Title	Date
AS-100	*Architectural Site Plan*	10/26/17
A-100	*Parking Plan*	10/26/17
A-101	*First Floor Plan*	10/26/17
A-102	*Second Floor Plan (Typical)*	10/26/17
A-103	*Fourth Floor Plan*	10/26/17
A-104	*Roof Plan*	10/26/17
A-200	*Overall Elevations*	10/26/17
A-201	*Overall Elevations*	10/26/17
A-202 to A-205	*Elevations*	10/26/17
A-301	*Sections*	10/26/17

Please note that our review is limited to planning, zoning and environmental issues.

Comments

We have the following comments regarding review of the project under the State Environmental Quality Review Act (SEQRA) based on information provided in the Full Environmental Assessment Form (FEAF), the revised proposed PUD regulations, the Technical Memorandum and the revised PUD Concept Plans.

The Board of Trustees, Lead Agency for review of the project under SEQRA is required to determine the significance of any moderate to large impacts created by the Proposed Action. This determination will regulate the path of the SEQRA review going forward and will affect the Village land use review process for the application. A positive declaration requires the preparation of an environmental impact statement (EIS). A negative declaration would end the SEQRA portion of the land use review process.

Using Part 1 of the FEAF prepared by the Applicant, and the additional information provided by the Applicant on the PUD concept plans and in the Technical Memorandum, we completed Part 2 of the

FEAF(attached to this memorandum), which evaluates the potential effects of the project identified in Part 1 of the FEAF.

Part 2 of the FEAF indicates that there would be moderate to large adverse impacts created by the proposed zoning changes, and the PUD concept plans with respect to land, surface water, groundwater, flooding, vegetation, aesthetic resources, transportation, energy, noise, human health, consistency with community plans, and consistency with community character. Details regarding these impacts are:

1. Impact on Land. Impacts would occur because:

    a. Construction will occur on land areas where the depth to the water table may be less than 3 feet.
    b. Construction will occur on or create slopes greater than 15%
    c. Construction will continue for more than 1 year
    d. There may be erosion from grading, filling and removal of vegetation. The plan would raise the grade of the eastern half of the site by at least 2 feet to as much as 14 feet and reduce the grade of the site adjacent to Wetland A by 3 to 8 feet. The grading plan would require the importation of at least 9,000 cubic yards of fill.

2. Impact on Surface Water. Impacts would occur because:

    a. Upland erosion or run-off may cause turbidity to streams or wetlands. There is a concern the significant grade alterations proposed may affect the hydrology and functionality of at least two of the wetlands and streams on the lot.
    b. Construction may cause soil erosion or create stormwater discharge that may lead to siltation
    c. Water quality downstream or on the site may be affected

3. Impact on Ground Water. Impacts would occur because:

    a. There is a potential for blasting or other forms of rock removal during construction
    b. There is a potential for dewatering and/or processing of excavated materials on the site during construction

4. Impact on Flooding. Impacts would occur because:

    a. Project may modify existing drainage patterns

5. Impact on Vegetation. Impacts would occur because:

    a. Grading and filling operations will disturb 13.17 acres of the 17.77-acre site leaving only 4.60 acres undisturbed. 3.36 acres of the undisturbed area are wetlands, which leaves only 1.24 acres of existing upland vegetation undisturbed after construction.
    b. The layout and grading plan will require removal of at least 209 6-inch to 34-inch DBH trees from the site. 131 of the trees that would be removed are trees regulated by the Village Code.

6. Impact on Aesthetic Resources. Impacts would occur because:

    a. The project may be visible from the Hutchison River/Merritt Parkway, a designated scenic highway
    b. The project may diminish public enjoyment of the scenic resource
    c. The project may be visible from publically accessible vantage points

7. Impact on Transportation. Impacts would occur because:

    a. The project may alter the present pattern of movement of people or goods.
    b. There will be an increase in traffic volume and a change in traffic patterns during and after construction.

8. Impact on Energy. Impacts would occur because:

    a. The project involves heating and cooling more than 100,000 square feet of building area. The buildings proposed in the PUD concept plans have a combined total gross floor area of approximately 445,000 sq. ft.

9. Impact from Noise. Impacts would occur because:

    a. During and after construction the project may produce sound above typical noise levels for nearby residences
    b. The project may increase noise levels at the Blind Brook High School campus during construction

10. Impact on Human Health. Impacts would occur because:

    a. The project is located adjacent to the Blind Brook High School campus
    b. Demolition of the existing building may cause the release of hazardous materials, such as asbestos, into the environment during construction

11. Consistency with Community Plans. Impacts would occur because:

    a. The project may cause the Village population to increase by more than 5%.
    b. The zoning amendments are, in part, inconsistent with local land use plans. The proposed zoning amendments increase the allowable floor area from 9,000 sq. ft. to 26,000 sq. ft. of gross floor area per acre, and the density from 6 residential units per acre to 10.4 independent living units plus 4.8 assisted living units per acre, which are significant and not in keeping with the limitation to maintain the low-density character of the Village stated in the Comprehensive Plan as part of the recommendation to make the PUD regulations less restrictive.
    c. The increased floor area and density proposed may induce secondary residential development elsewhere in the Village.

12. Consistency with Community Character. Impacts would occur because:

    d. The project may cause a demand for additional community services
    e. The project is inconsistent with the predominant residential architectural scale and character of the Village.

Other potential impact areas reviewed as part of the FEAF Part 2 are impacts to geological features, air, animals, agricultural resources, historic and archeological resources, open space and recreation, or critical environmental areas, which indicated no impact or only small impacts.

We look forward to discussion with the Trustees regarding the application.

Marilyn Timpone Mohamed, ASLA, AICP
Senior Associate/Planning/Environment

CC: Christopher Bradbury, Village Administrator
Michal Nowak, Superintendent of Public Works/Village Engineer
Jennifer L. Gray, Esq., Village Attorney
Mark P. Miller, Esq., for the Applicant
Peter Feroe, AKRF, for the Applicant

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