

### **3.0 LAND USE AND ZONING COMMENTS AND RESPONSES**

The following Land Use and Zoning comments (3-1A through 3-1J) relate to questions regarding the zoning code variances required for the DEIS Site Plan and the request to provide and discuss a Site Plan that requires no variances. Response are provided at the end of these comments.

**Comment 3-1A (Mr. Chris Brockmeyer, Public Hearing, June 11, 2008):** Speaking as an individual, though I am a member of the town board of North Salem. I think it would be useful to the audience if you could go through, in summary fashion, the various zoning variances you are seeking; why you're seeking them; and I suppose more importantly, why the town or the planning board and the zoning board of this town should consider those variances, given the size of the project that it is and the potential impact on the residents.

**Comment 3-1B (Mr. James Button, Public Hearing, June 11, 2008):** What is the difference? You said that there would be a difference. [Describe the site plan without any variances].

**Comment 3-1C (Chairwoman Curtis, Public Hearing, June 11, 2008):** Mr. Balter, I think I would like you to just explain the difference. [Is the requested variance] 60 feet, 20 feet, 40 feet? What is the number, the distance of the [requested] variance?

**Comment 3-1D (Mr. Brockmeyer, Public Hearing, June 11, 2008):** Where you could redesign it with adherence to the variance the zoning laws as they exist currently? And I would ask that the planning board in considering this further asks for that information. And it may be a plan that looks less desirable than this, but or may look more desirable, I don't know, but I think it would be useful in coming to the town and asking for these variances to at least see what the alternative is.

**Comment 3-1E (Chairwoman Curtis, Public Hearing, June 11, 2008):** My last comment has to do with the overall design and working with our rezoning ordinance and our regulations. I think it behooves the planning board to ask the applicant to present a plan to us that doesn't require any variances and does not have any encroachments into our wetlands and respects all of our laws. That should be the starting point for the planning board. And it should be designed to work with our well-thought out zoning and environmental regulations. Then it could be considered by the planning board at the point when we are weighing all the issues and we're generating our findings and we're trying to balance what's best for the community and what's best for the site, whether or not we would recommend variances or encroachments into our wetlands. But I don't think at any time a developer should come in and present that as a plan up front with the assumption that variances should be considered. That's my personal opinion. I will be discussing it with the planning board and we'll find out at the next meeting how the planning board feels about substantive issues and take it from there.

**Comment 3-1F (Mr. John White, Public Hearing, June 11, 2008):** It would be very helpful to look at the alternatives as you go through the process, and so that there isn't any variances required, but also that the recreation is set aside. And that's not, you know, protected lands for the wetlands. That's prime land that's needed for fields which is what the school has a real deficit in. So I mean, that's kind of the process, then you go back to the blank slate and say okay, what's left, what can be designed. And, you know, there was a lot of thought to setbacks and clearances as far as in North Salem. You know, we don't knock on each other's windows as we nobody hears me yelling at the dog because of the distance between my house and the

next house. So I mean, it's all part of the character, but there's also, you know, the access to get around buildings for fire protection, the ability for fire all these things were considered in setback requirements. And because somebody waives it doesn't mean that, you know, I've had a variance granted and then the fire code said, no, no, you need to leave so much distance here and I wasn't able to even go by a setback. The variance was granted because of fire codes. So, you know, I'm troubled that you start right off the bat trying to redesign something specific and ignoring all of the reasons that were behind the setbacks that are in our current zoning ordinance.

**Comment 3-1G (Mr. Mike Cindrach, Public Hearing, June 11, 2008):** (Inaudible) side of Starr Lea Road. Something, Cynthia, that you had mentioned with respect to coming back to the table with a proposal that doesn't involve variances. If I understood it correctly from the beginning of the meeting, 16 or so or 17 variances were pretty much the same regarding how close together the houses were. And it seems to me that this area was already rezoned to allow for higher density development. And what is being requested here is that approvals be given to go even beyond what was already expanded which already really doesn't conform to the neighborhood especially with its existing zoning and surrounding areas. Now, I also think that I recall a plan by which they could come to the table with no variances, and it seems that if they were going to do that with the same number of buildings on this site, that that would blow it out further. That that would be it would be closer to wetlands, it would be closer to roads, it would be closer to the other properties. And if that's the case, that just amplifies a lot of the problems that were raised here tonight. So my comment really directed towards the planning board is, if you're going to request a proposal that involves no variances at all, spreading the house a little further apart, then I would suggest that the total number of units be reduced to keep it confined within the footprint that's existing now, rather than going closer to wetlands, closer to roads, where you have more concerns about light pollution, as well as air pollution, as well as water pollution.

**Comment 3-1H (Letter #15 Ms. Suzannah Glidden, Hands Across the Border, July 28, 2008):** On behalf of Hands Across the Border, we would like to see an alternate site plan with zero variances rather than the presently sought seventeen for aspects of the development which do not comply with the Town's supplemental requirements for medium-density residential development. We concur with the comments submitted by Croton Watershed Clean Water Coalition, Inc.

**Comment 3-1I (Letter #9 Edward Gordon, Resident, July 26, 2008):** I would urge the Planning Board recommend that the Zoning Board not grant the 17 space variances requested to permit this site density.

**Comment 3-1J (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** The current plan relies upon the need for multiple zoning area variances pertaining to lack of compliant building separation. The required minimum building separation standards were adopted by the Town Board only recently (2001) after a detailed and comprehensive land use and environmental impact analysis. The supplemental zoning bulk standard was specifically developed and adopted for the exact type of development proposed and was established to address issues of visual impact, appropriate scale and massing, unit owner privacy, natural lighting and safety. The DEIS should include a zoning compliant plan which does not require any such area variances for purposes of impact baseline and comparison. Such a plan should also not encroach into the protected Controlled Area as this also is not consistent with the Town's regulations and Comprehensive Plan.

**Response 3-1A-J:** *The site plan for the Salem Hunt project was revised in direct response to the concerns expressed by the Town of North Salem Planning Board, local residents and others who commented verbally and in writing during the public hearing process regarding the variances required for the project discussed and described in the DEIS (DEIS Plan). The revised site plan (revised FEIS Plan) would not require variances for the area and bulk requirements set forth in R-MF/4 Zoning District. Refer to Figure 3-1, for an illustration of the Revised FEIS Plan. The number of homes proposed in the Revised FEIS Plan would remain at 65 units, however, the area of impervious surface would be less than previously proposed (approximately 5.9 acres in the DEIS Plan and 4.3 acres in the revised FEIS Site Plan). The reduction in impervious surface was accomplished by the following measures: 1) elimination of the two cul-de-sacs; 2) reduction of length of the development's main road; 3) reduction of the project's road widths, and 4) the use of pervious pavement in driveways and visitor parking areas.*

*The Revised FEIS Plan has 24 multifamily and single-family attached buildings containing 2, 3, and 4 -two bedroom units. The proposed action includes 22 single-family attached residences and 43 multi-family units. Refer to Table 3-1 for a comparison of the Revised FEIS Plan and the DEIS Plan to the bulk and area requirements for uses within the R-MF/4 Zoning District. See Appendix D for proposed architectural renderings and floor layouts.*

<b>Table 3-1 Bulk and Area Requirements for Uses in the R-MF/4 Zoning District and Provided by the revised plan and DEIS plan Use Group 'r'</b>			
<b>Features</b>	<b>Minimum Required</b>	<b>Provided by Revised FEIS Plan</b>	<b>Provided by the DEIS Plan</b>
Lot Area	5 acres	40 acres	40 acres
Lot Width	400 feet	949 +/- feet	949 +/- feet
Front Yard	50 feet	243 +/- feet	243 +/- feet
Side Yard	50 feet/100 feet	100 +/- feet/258.5 +/- feet	64 +/- feet/164.5 +/- feet
Rear Yard	50 feet	213 feet	129 feet
Street Frontage	50 feet	888 +/- feet	888 +/- feet
<b>Features</b>	<b>Maximum Permitted</b>		
Lot Area	50 acres	40 acres	40 acres
Max. Building Height	35 feet	21.5 +/-	27.33 feet
Development Coverage	40%	9.3%	15%
Building Coverage	20%	5.9%	7.1%
Floor Area Ratio	0.30	0.13 +/-	0.14 +/-
<b>Supplemental Requirements</b>			
Distance b/w Multifamily Structure: 1.5 X Building Height	1.5 X 20.0 feet inches = 30.0 feet (Minimum)	30+ feet	26.08 +/- feet *
Distance from Side of Attached Single Family Structure to Adjacent Structures	20 feet (Minimum)	20 + feet	25 +/- feet
Distance from Rear of Attached Single Family Structure to Adjacent Structures	30 feet (Minimum)	60 +/- feet	47 +/- feet
Distance from Building Front to Street	20 feet (Minimum)	25 feet +/-	25 feet +/-
Distance from Multifamily Structure to Parking	25 feet (Minimum)	25 feet +/-	25 feet +/-
Distance from Aboveground Water and Sewer Facility Structures to External Boundaries	100 feet (Minimum)	172 feet +/-	170 feet +/-
Distance from Parking Areas to Buildings (Recreation Building)	25 feet (Minimum)	25+ feet	15 feet +/-**
Distance from Parking Areas to Property Lines	25 feet (Minimum)	205 feet +/-	120 feet +/-
Distance from Refuse Collection Areas to Buildings	25 feet (Minimum)	N/A	N/A

<b>Table 3-1</b> <b>Bulk and Area Requirements for Uses in the R-MF/4 Zoning District</b> <b>and Provided by the revised plan and DEIS plan</b> <b>Use Group 'r'</b>			
Distance from Refuse Collection Areas to Property Lines	25 feet (Minimum)	N/A	210 feet +/-
Distance from Recreation Areas to Buildings	25 feet (Minimum)	90 feet +/-	40 feet +/-
Distance from Recreation Areas to Property Lines	25 feet (Minimum)	326 feet +/-	150 feet +/-
Distance from Swimming Pool to Buildings	30 feet (Minimum)	30 feet +/-	10 feet +/-***
Distance from Swimming Pool to Property Lines	50 feet (Minimum)	344 feet +/-	215 feet +/-
Affordable Units Requirements	20%/13 units	20%/13 units	20%/13 units
<b>Parking Requirements General</b>			
Single Family Units	2 spaces per unit; 22 units proposed = 22 spaces	217 spaces****	217 spaces****
Multifamily Units	1 space per dwelling unit, 1/3 space per bedroom ; 43 units proposed = 86 bedrooms. Total 72 spaces		
<p>*Variances were required for all multifamily buildings proposed (DEIS Plan).</p> <p>**A variance was required for the minimum distance required between the recreation building and associated parking (DEIS Plan).</p> <p>***A variance was required for the minimum distance required between the pool and the recreation building (DEIS Plan).</p> <p>**** Includes 117 spaces provided in garages. 35 additional spaces provided for visitors and the recreation area. In addition, one visitor space is provided in each of the 65 driveways.</p> <p>Sources: Town of North Salem, Chapter 250, Zoning Code Supplemental Requirements - Chapter 250, Section 250-19.1; Insite Engineering; Tim Miller Associates.</p> <p>Notes: Refer to Drawing SP-1, Progress Plot, Overall Preliminary Site Development Plan dated 10.10.08 and associated zoning conformance tables for the plans layout and provided bulk and area.</p>			

*Access into the project site would continue to be from June Road but the former proposed boulevard has been replaced by a two lane roadway with a pull off for parents to drop off their children for school bus pick up. Due to the slight change in roadway configuration, improvements to the revised plan also includes an emergency access road from the entrance road that would run along the northern boundary of the site and would tie into the project's internal roadway between Buildings 13 and 14. The revised entrance is further described in Section 1.3 Summary of Proposed Action.*

*The added separate emergency access driveway intersection with June Road has been eliminated based on discussions with the Town's Planning Consultant. The location of the newly proposed emergency access is indicated at approximately station 1+50 along the main access drive to the development. The proposed bus parking has been shifted*

*up along this roadway. This will permit the first portion of the emergency access to be utilized as a turnaround for vehicles utilizing this parking/waiting area.*

*In order to avoid and/or minimize disturbance to the wetland buffers located on the project site, revisions to the DEIS Plan included the shifting of stormwater basins associated with the project and the elimination of the two cul-de-sacs previously proposed along the internal roadway. The main access road, as well as on-site and off-site utility improvements would require disturbance to the site's wetland buffers. Therefore, these improvements would require permits from the New York State Department of Environmental Conservation (NYSDEC) and the Town of North Salem.*

*Overall, the revised FEIS Plan reduces impervious surface by 27 percent, reduces wetland buffer disturbance, reduces the area of maintained lawn by 46 percent, and increases the overall landscaping and buffers for the project. Modifications to the plan are further described in Section 1.0 Introduction.*

**Comment 3-2 (Mr. Mike Cindrach, Public Hearing, June 11, 2008):** I do have some more specific concerns, after reviewing as much as I could, of the draft EIS. The first one --these are in no particular order. The report does mention air pollutants, construction dust, as well as equipment and vehicle emissions. I don't read anything in this report that discusses -- there are some mitigation, but there's nothing that discusses or identifies any procedure for monitoring compliance. Some of the mitigation talks about minimizing the area with grading, spraying water to reduce dust. Regarding equipment vehicles emissions, it makes reference to proper tuning of vehicle engines and maintenance of the air pollution controls. There's nothing in here about how you're going to ensure compliance with that. Okay? If you have a subcontractor that brings equipment in, to what lengths is -- are the developers going to go to ensure that their equipment is properly tuned. So I don't see any monitoring for that. I don't see any monitoring for any of the airborne debris as a result of clearing or construction. And being a resident of Starr Lea Road, and having small children on Starr Lea Road, obviously, that's a concern for me within the proximity of this proposal.

**Response 3-2:** *Comment noted. An air quality monitoring program during construction was not recommended in the DEIS and is not typically done for residential projects. However, air pollutants and dust impacts to the local neighborhood from fugitive dust will be minimized by adhering to the construction phasing plan and the mitigation measures provided in the DEIS.*

*The diesel exhaust from a limited number of construction vehicles on a 40 acre site is not expected to result in significant vehicle emissions. There are no requirements in the Town or State Codes to monitor or report on the emissions from construction vehicles. Vehicles with tuned engines and proper mufflers add to increased operating efficiency and less downtime due to breakdowns. It is in the best interest of the construction manager to properly maintain equipment and thereby reduce overall emissions.*

*The Town Code (Subdivision of Land - Chapter 200-16) requires that construction improvements be carried out in a workmanlike manner, in accordance with the time limits approved by the Planning Board and in accordance with the accepted construction program<sup>1</sup>. All construction shall be subject to inspection and notification as follows<sup>2</sup>:*

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<sup>1</sup> Code of the Town of North Salem, Westchester County, New York, Updated 8.15.2008.

<sup>2</sup> Code of the Town of North Salem, Westchester County, New York, Updated 8.15.2008.

- *The Planning Board, the Town Superintendent of Highways or his engineer or representative designated by the Town Board, or the Town Consulting Engineer shall have free access to the construction work at all times and shall be deemed authorized to take material samples, cores and other tests as deemed necessary to determine compliance with the standards of the regulations.*
- *The Planning Board, Town Superintendent of Highways or the Town Consulting Engineer may require the applicant, at his expense, to have such tests made and certified by the land surveyor or professional engineer, or both, as required by law.*
- *Other Town agencies and state and County agencies having regulatory jurisdiction over portions of the plat, shall also have free access to the construction work at all times.*
- *The applicant or his contractor or agent shall give timely notice to the Town Superintendent of Highways and the Town Consulting Engineer at commencement and completion of each phase of the work in accordance with procedures as may hereafter be adopted by the Town Board or Planning Board.*
- *Refer to Chapter 200-16 Standards for Subdivision Plan, Letter B, No. 5 for the items subject to inspection, during construction, by the Town Superintendent of Highways or Town Consulting Engineer.*

**Comment 3-3A (Letter #11 Mr. Edward Burroughs, Westchester County Planning Department, July 28, 2008):** Revise affordable housing provisions- Thirteen of the 65 residential units would be subject to price limitations based on provisions set forth in Article XXII "Moderate-Income Housing Regulations" of the Town Zoning Ordinance. However, the provisions of the Code base pricing on formulas that utilize the mean (average) annual salary paid to Town of North Salem full-time employees and not to the Westchester County standard which calls for the purchase price to be affordable to households earning at or below 80% of Westchester County Area Median Income. As the Town formula would set higher sales prices, the new affordable units would not count towards meeting the Town's affordable housing allocation of 148 new affordable housing units to be created by 2015. We urge the Town to amend its zoning regulations so as to incorporate the Westchester County definitions of affordable housing pricing.

**Comment 3-3B (Letter #12 Ms. Jessica Bacal, Westchester County Planning Department, July 23, 2008):** Thirteen units, representing 20% of the total 65 units (reduced from 75), are designated as Affordable Housing. The Committee is concerned that the Town's definition of moderate income housing may deviate from the County's definition and therefore may fail to qualify as formal Affordable Housing in an area regarded as deficient by County standards.

***Response 3-3A-B:*** *Comment noted. The conformance analysis for the Moderate Income Housing (MIH) units proposed was completed using the requirements set forth in Section 250-19.1 of the Town of North Salem Code and with the provisions for Moderate Income Housing set forth in Article XXII. The above analysis was required by the project's June 7, 2006 adopted scope.*

*Income eligibility for the proposed 13 MIH units of Salem Hunt was calculated using the guidelines listed in Section 250-19.1 of the Town of North Salem Code and with the provisions for Moderate Income Housing set forth in Article XXII.<sup>4</sup> The applicant*

*anticipates applying for grants to support the construction of the MIH units. If this is the case, the units will comply with both the MIH requirements as well as the Westchester County requirements.*

*According to Westchester County, affordable housing is limited to households with incomes of 80 percent or less of the County median income adjusted for family size.<sup>5</sup> The HUD published Westchester County 2009 Area Median Income is \$105,300. Eighty percent of the area median income is \$84,240. Adjusting for family size, the maximum family income will be \$70,600.*

**Comment 3-4A (Letter #11 Mr. Edward Burroughs, Westchester County Planning Department, July 28, 2008):** The draft EIS states that all dwelling units proposed for this project will be two-bedroom units. This approach may fail to accommodate the varying types of households who need or desire housing in a multi-family setting in this area of the county. Two-bedroom units can be too small for families and too large for single people and "empty nesters."

With regard to affordable units, the Town zoning code states, "Such MIH units shall be physically integrated into the design of the development. The units shall consist of one-, two- and/or three- bedroom units in a proportion approved by the Planning Board as being better related to the housing needs, current or projected, of the Town of North Salem and the surrounding region. The Planning Board shall receive and consider the recommendation of the Housing Board in determining the proportion of one-, two- and three-bedroom units." We did not see a report of the Housing Board in the submission. Unless other documentation justifies the currently proposed mix, we recommend that, at a minimum, additional diversity be considered for the proposed affordable units so that the unit mix is varied from one to three bedrooms.

**Comment 3-4B (Letter #12 Ms. Jessica Bacal, Westchester County Planning Department, July 23, 2008):** Finally, the Committee is curious as to why the project is limited to two bedroom only units and wonders why a mix of one and three bedrooms was not included, which would make it more suitable for either families or senior "empty nesters".

***Response 3-4A-B:*** *According to the Town's Code and as stated in the above comment, Moderate Income Housing (MIH) units may consist of one-, two- and/or three bedroom units in a proportion approved by the Town's Planning Board. The application in front of the Town of North Salem's Planning Board for the Salem Hunt project is for the construction of 65 - two bedroom units, which would include 13 Moderate Income Housing (MIH) units. The MIH units would be integrated into the design of the development as required by the Code.*

*The applicant, Wilder Balter Partners, LLC, is an established residential and commercial developer, having completed many successful projects in Westchester and Putnam counties. The applicant has developed over 3,000 rental and condominium units over the past fifteen years. As a leader developing moderately priced housing, including housing for seniors, the applicant strives to create livable communities.*

*The target market for the Salem Hunt project is empty nesters and couples with one or no children. It is the commentor's opinion that two bedroom units can be too small for families and too large for singles and empty nesters. One bedroom units were not*



*included in the project's unit mix since the applicant does not believe there is a significant demand for such units in the Town of North Salem and its surrounding communities. In proposing three bedroom units, it is the applicant's experience that larger families (with more than one child) prefer single family homes. Additionally, homes with three or more bedrooms generate more school children; require more water and create more sewage.*

*The Applicant believes that this rationale discussed above also supports the MIH units proposed, but the Applicant will consider a different unit mix if the Housing Board requests the Applicant to do so.*

**Comment 3-5 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** Our understanding of the supplemental requirements for the RMF/4 District is that in order to have multiple residences located on a commonly-owned parcel controlled by an HOA, then all buildings must include at least three residential units each. Absent this, an amendment to the zoning code would be necessary.

***Response 3-5:** The Revised FEIS Plan is now a Fee Simple project, therefore, each unit would have an associated "lot". All common land not associated with a "lot" will be owned and maintained by the Homeowners Association. The Revised FEIS Plan is in compliance with the supplemental requirements of the R-MF/4 District.*

**Comment 3-6 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** In the absence of a new Comprehensive Plan, the FEIS should discuss the proposed action's conformance with the prevailing Town Comprehensive Plan.

***Response 3-6:** The Town of North Salem Master Plan (1985 Plan) was created to guide growth and development while preserving desirable community assets. The 1985 Plan was adopted by the Town on September 4, 1985, and was intended to be an update to the Comprehensive Plan of Development, adopted in 1964.*

*The development goals associated with the 1985 Plan are generally community wide and were formulated "to convey the values and preferences of the community with regard to the future of the Town of North Salem<sup>3</sup>." The development objectives of the 1985 Plan "are essentially the physical manifestations of a given goal statement, and represent specific policy guidelines for the Master Plan."<sup>4</sup> The goals and objectives associated with the 1985 Master Plan are recommended at the Town level and are not project specific.*

*The Land Use Plan associated with the 1985 Plan, however, is site specific and was created to provide an orderly pattern of use that is consistent with Town's goals and future needs. This plan was developed as a result of various studies conducted by the Town.*

*The 1985 Plan states that "The evolution of a sound land use policy for the future development of the Town of North Salem is, perhaps, the most critical element in the master planning process. The way in which land is utilized, the relationship of uses one to another and to the circulation system, the intensity of development and the necessary*

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<sup>3</sup> Source: Town of North Salem, Westchester County, New York, Master Plan, September 4, 1985, page 9.

<sup>4</sup> Source: Town of North Salem, Westchester County, New York, Master Plan, September 4, 1985, page 11.

*community facilities and services needed to support the elements of the plan, will significantly determine the character of and quality of life in the Town of North Salem in the future<sup>5</sup>.*

*The Land Use Plan associated with 1985 Plan designates the following land uses for the project site: Medium Density Residential and Open Space-Proposed. Refer to Figure 3-2. The portion of the site designated Open Space-Proposed is actually part of NYSDEC wetland (NYSDEC L-32) as illustrated in Figure 3-3.*

*As stated in the 1985 Plan, medium density residential use areas were established to address the need for a greater variety of housing types. According to the description of medium density development, such areas would not be developed at densities higher than one unit per acre or per half acre and would only occur if a public sewage system was available.*

*The proposed project, as designed, would provide the Town of North Salem with 65 - two bedroom units in 24 multifamily buildings. The proposed action includes 22 single-family attached residences and 43 multi-family units. Thirteen of the 65 units (20 percent) would be designated Moderate Income Housing (MIH) units, subject to affordability limitations, per the Town Zoning Ordinance. The density of the proposed development would be approximately 1.63 units per acre, which would generally comply with the guidelines set forth in the Town's 1985 Plan. As a note, the proposed development is in compliance of the underlying R-MF/4 zoning, which allows a maximum of four units per acre.*

*The proposed development would not connect to a public sewage system for such a system is not available. The current proposal includes a wastewater treatment plant (WWTP) that will discharge to a subsurface wastewater disposal system (SSDS). The treatment system would be designed and constructed in accordance with applicable State, County, and New York City Department of Environmental Protection (NYCDEP) requirements and is not expected to result in point source discharges, odors or any adverse environmental impacts.*

*"Areas designated for open space on the Master Plan Map are those areas where development should either be precluded or subject to strict environmental controls. This category includes: areas of steep slopes, wetlands, and swamp areas, other areas of significant ecological important as well as existing open space reserves.<sup>6</sup>"*

*The concentration of the proposed development is located in areas of the site that consists of optimal soils and topography. No development, with the exception of the required site access driveway is proposed for the eastern portion of the site, which contains NYSDEC designated wetlands. Only limited development and disturbance related to stormwater management basins have been proposed in the western portion of the site, and now no basins are proposed within the buffers of the Town of North Salem or NYSDEC wetlands. In preserving the on-site wetlands and buffers, natural open space will be retained on the property and would be consistent with the goals and objectives of the 1985 Master Plan.*

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<sup>5</sup> Source: Town of North Salem, Westchester County, New York, Master Plan, September 4, 1985, page 13.

<sup>6</sup> Source: Town of North Salem, Westchester County, New York, Master Plan, September 4, 1985.

*The proposed residential development complies with its existing R-MF/4 Multifamily Zoning District and construction of the proposed project would advance implementation of recommendations of the Town's 1985 Master Plan and other policies and plans relevant to the project site.*

**Comment 3-7 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** The plans should be updated to show the locations for bridal trails as the applicant has proposed, and the evaluation updated to address related impacts accordingly (e.g., vegetation removal, proximity to residences, etc). An easement map and draft legal declaration should also be provided.

***Response 3-7:*** *The proposed bridal trails are shown in Drawing SP-2.1 and 2.2, Layout and Landscape Plan, attached to this FEIS. Vegetation would not be removed as a result of the proposed bridal trail systems. Bridal trails have historically transversed the project site, therefore, the proposed bridal trail system is not expected to adversely impact the existing residences within the proximity of the project site. See Response 2-29A-F in Section 2.0 for further discussion and description pertaining to the bridal trail system of the Salem Hunt development. Refer to Response 3-12, below, for a discussion on draft legal instruments associated with the proposed project.*

**Comment 3-8 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** Draft legal instruments should be provided pertaining to the following: Condominium Association By Laws / Offering Plan; Conservation Easement; and Bridal trail easements (as noted above).

***Response 3-8:*** *A summary of the Homeowners Association responsibilities, bridle trail easements and conservation easements are provided in Section 1.3 Summary of Proposed Action. Draft legal instruments and easements will be provided during the Site Plan review process.*

**Comment 3-9 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** The footnote reference for the last sentence of the last paragraph on Page 3-1 should be deleted. Similarly, the footnote on Page 3-4 should also be deleted.

***Response 3-9:*** *Comment noted. Refer to Response 3-6 for the discussion of the Revised FEIS Plan with the prevailing Town Comprehensive Plan.*

**Comment 3-10 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** Floor Plans should be provided. These should demonstrate that units can't be used / converted to 3-BR units. The floor plans should be evaluated in the context of the Town's definition of "bedroom" as set forth in §250-5 of the Zoning Law.

***Response 3-10:*** *Comment noted. Language will be provided in the Homeowner's Association (HOA) declaration that would restrict the conversion of any space in the homes to a third bedroom. A summary of the HOA's responsibilities is provided in Section 1.3 Summary of Proposed Action.*

*The floor plans of the proposed development have been evaluated in the context of the Town's definition of 'bedroom.' Based on discussions that have occurred between the applicant and Town of North Salem Building Inspector, the applicant believes the plans submitted are two bedroom homes based on §250-5 of the Town's Zoning Code.*

**Comment 3-11 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** The site development leaves little individual open lawn area for traditional outside residential activities (e.g., picnics/barbeques, graduation and other parties, community events, etc.)

**Response 3-11:** *The maintained lawn area for the Revised FEIS Plan is approximately 2.5 acres. This area has been reduced from what was originally proposed (8.5 acres) in the DEIS Plan in order to preserve the natural vegetation located on site.*

*Maintained lawns would be located within approximately 20' of the residential units and areas outside this perimeter would have landscape plantings and a variety of conservation seed mixes. Refer to Drawing SP-2.1 and 2.2, Layout and Landscape Plan, attached to this FEIS for an illustration of the maintained lawn and landscaping scheme. It is anticipated that the maintained lawn area would be used by individual landowners in traditional ways.*

*As described in the DEIS, the Salem Hunt development would also include a 5,000 square foot, two story clubhouse, which would contain a large lounge with meeting space for community events, picnics, graduation and other parties. The clubhouse would also include a fitness center complete with exercise equipment and space for aerobic or pilates and yoga exercise. The clubhouse would also have possible space for billiards or a gaming room, plus restrooms, kitchenette and storage space.*

*As shown in Drawing SP-2.2 Layout & Landscape Plan East, a 50 foot by 100 foot passive play area has been provided south of the entrance road. The passive play area was located in a level portion of the site, as close to the recreation building as the topography allowed.*

**Comment 3-12 (Letter #19b Richard Claytor, Horsley Witten Group, Inc, July 29, 2008):** A note should be added to the Overall Phasing Plan (Sheet SP — 4.1) requiring all trucks leaving the site with export material will be covered. Any hazardous waste found during construction shall be disposed of in a pre-approved location.

**Response 3-12:** *Comment noted. Notes, as suggested, have been added to Sheet SP-4.1 Overall Phasing Plan.*

**Comment 3-13 (Letter #22 Chairman Michael Palma, Edward Isler, Donald Raskopf & David Wilklow, Architectural Review Board, July 30, 2008):** Comparison with similar developments: Salem Hunt seems to be 30% larger than the Cotswold's. Review how the Cotswold's has affected North Salem and compare and contrast that to this planned development.

**Response 3-13:** *The Salem Hunt development and the Cotswold development are similar in overall design and demographic make up. Refer to Table 3-2 for a breakdown of these two developments.*

<b>Table 3-2 Comparison of Cotswold Development and Salem Hunt Development</b>		
<b>Features</b>	<b>Cotswold</b>	<b>Salem Hunt</b>
Build Year	1989	2010
Description	Single Family Attached, Fee Simple Lots, Cluster Development	Multi-Family Attached, Fee Simple Lots, Cluster Development
Zoning	Medium Density Residential District (R-1)	Multifamily Zoning District (R- MF/4)
Project Site (acres)	40 acres	40 acres
Units	40 units*	65 units
Bedroom Count	2 and 3 bedroom units ;	2 bedroom units
Units per acre	1 unit per acre	1.63 units per acre
Unit size (square foot)	1,900 to 2,200 square feet	1,900 to 2,700 square feet with garage space; 1,700 to 2,300 square feet w/o garage space
Sales Price	\$295,000 to \$405,000	\$225,00 to \$850,000
Population	115* *(approximate)	135 (projected)
Population of school children	6	9 to 21 (projected)
School District	North Salem Central School District	North Salem Central School District
<p><u>Sources:</u> Town of North Salem Town Hall; Tim Miller Associates (TMA)</p> <p><u>Bibliography:</u></p> <p>1) Gutis, Philip F. "Posting: 38 in North Salem; A Cluster Project in Horse County." <i>New York Times</i> 27 July 1986.</p> <p>2) Burchell, Robert W., David Listokin, et al., <i>Development Impact Assessment Handbook</i>. Washington, D.C.: ULI-the Urban Land Institute, 1994</p> <p><u>Notes:</u></p> <p>*38 townhomes and 2 single family homes</p> <p>**Worst case scenario - used 3 bedroom multiplier to approximate population</p>		

*The Cotswold is a single family (attached and detached) development located in a medium density residence district (R-1). The density of this development is one unit per acre, which is the maximum density allowed in a R-1 district. Salem Hunt, which is located in a multi-family zoning district (R-MF/4), is proposed as a 65 unit multi-family development at a density of 1.63 units per acre. The R-MF/4 district allows for a density of four units per acre, therefore, the proposed project is less dense than the maximum allowed and is in compliance with the underlying zoning.*

*The Salem Hunt project and Cotswold development appear similar in concept, however, the Salem Hunt project site is zoned for a higher density and different residential unit type than the Cotswold.*

*The Cotswold is one of two developments in the Town that was based upon an open space or "cluster" design, which is now considered a smart growth concept. Although the Cotswold may have been controversial at the time of its construction, the "cluster" design of the project preserved areas of open space on the site resulting in the preservation of the rural character of the North Salem community.*

*The Town of North Salem adopted zoning amendments in 2000, which resulted in the rezoning of four specific properties to address a New York State Supreme Court decision known as Continental Building Company, Inc. versus the Town of North Salem. The primary objective of the adopted zoning was to create the opportunity for the development of a variety of housing types as well as for the creation of affordable housing within the Town of North Salem. The Salem Hunt project site was rezoned by the Town following an extensive review and planning process. Focusing residential development in appropriate areas of the Town is considered sound planning.*

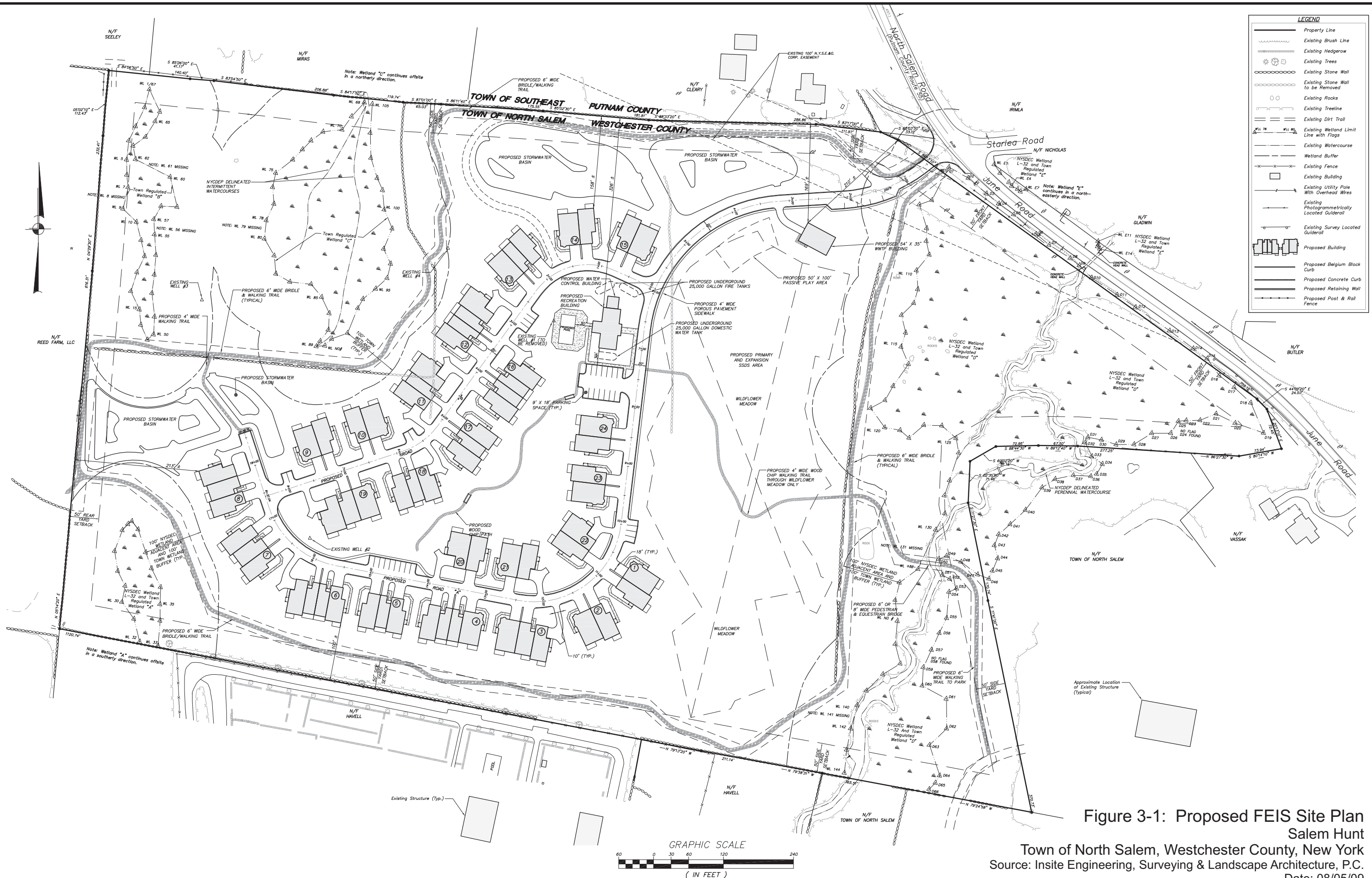
**Comment 3-14 (Mr. John White, Public Hearing, June 11, 2008):** But my third question, has to do with the ordinance that has to do with affordable housing. And, you know, I haven't read it recently and everything else. But what I do know, recently, is, it certainly wasn't around when we had the [indiscernible] prices, when we had all these houses for sale. And I really think we need to revisit and look at that formula. I think we're at a critical point here that, you know, we may build their field of dreams but nobody may come. And I get concerned about those things for a number of reasons. There was a, recently, an affordable units built and subsidized, and extra units granted, and the payments from the county, and all this done in Tarrytown, which is close to public transportation where people can afford those things. And at the last meeting, I was down the county, there was like 60 units they were talking about. And after 18 months, only a handful has been occupied. The rest became vacant. And the developer then was able to -- with a sunshine clause or an escape clause, whatever you want to call it, was then able to go market rate on them. So, you know, I am very concerned about the process that, you know, people think is a great thing. But I'm not so sure that when you start churning economics and have somebody that's making \$90,000 a year, or under, that's going to go apply for these affordable units, can go get a mortgage, or are we going to have a list of people, or do they already have a place to stay. You know, I really worry about that market right now. There are lot of houses to buy at all levels in this town, and to create more inventory at this point, I just think the bigger picture has to be included in the economics.

**Response 3-14:** *The applicant is required by the Town's Code to allocate 20 percent of the units (13 units) as Moderate Income Housing (MIH) and this requirement cannot be modified. It is the applicant's opinion that the proposed 13 MIH units would be desirable and marketable, in spite of current housing market conditions. The moderate income units are unique to North Salem, in that the sales price would be fixed and calculated according to the Town of North Salem Code and with the provisions for Moderate Income Housing set forth in Article XXII (see Response 3-4, above). Also, because the units are not contained in large buildings but instead are in two, three and four unit buildings, they can be built as the market absorbs them. This significantly reduces the risk that buildings will remain vacant for any extended period of time.*

**Comment 3-15 (Letter #17 Hilary Smith & Joe Bridges, MDRA, July 30, 2008):** The proposed "boulevard-style" entrance road's consistency with the neighborhood's prevailing rural character should be evaluated. Proposed changes to the site's June Road frontage with particular focus on the proposed site's access intersection should be further detailed and visually simulated/rendered. The materials presented should consistently address necessary clearing to achieve sight lines, the "boulevard-style" access and overall landscape treatment as viewed from the site's entrance.

**Response 3-15:** *As described in Section 1.3 Summary of Proposed Action, the entrance into the project site has been revised and is now proposed as a two lane roadway with a pull off for parents to drop off their children for school bus pick up.*

*Currently, no signs, walls or extensive landscaping is proposed for the site entrance. Clusters of three flowering trees are proposed for each side of the entrance. The proposed landscaping for the project entrance is shown in Drawing SP 2.1 and 2.2 Layout and Landscaping Plan. No rendering has been done as the site plan and landscape plan clearly show the treatment of this area.*



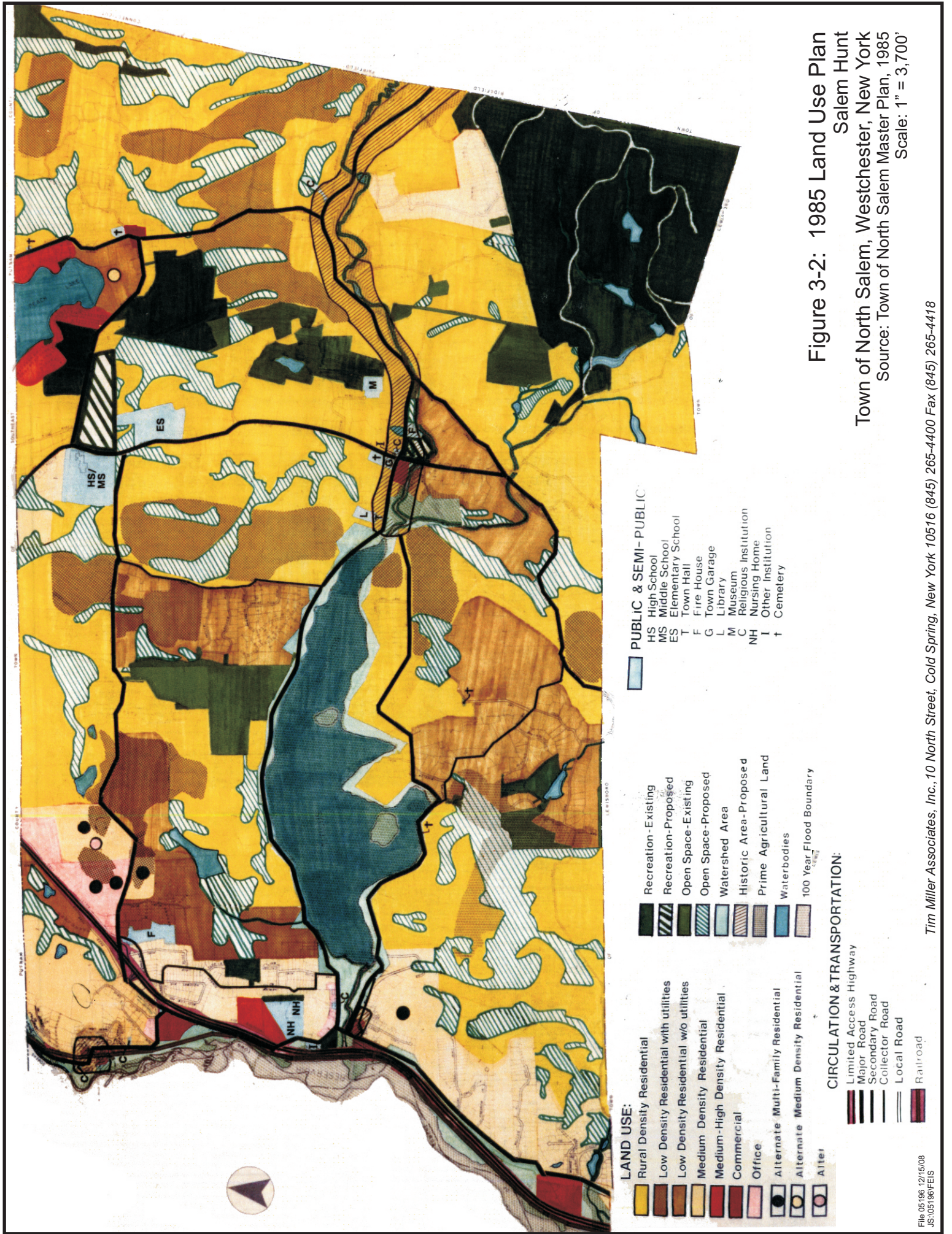
**LEGEND**

- Property Line
- Existing Brush Line
- Existing Hedgerow
- Existing Trees
- Existing Stone Wall
- Existing Stone Wall to be Removed
- Existing Rocks
- Existing Treenline
- Existing Dirt Trail
- Existing Wetland Limit Line with Flags
- Existing Watercourse
- Wetland Buffer
- Existing Fence
- Existing Building
- Existing Utility Pole With Overhead Wires
- Existing Photogrammetrically Located Gutterall
- Existing Survey Located Gutterall
- Proposed Building
- Proposed Belgium Block Curb
- Proposed Concrete Curb
- Proposed Retaining Wall
- Proposed Post & Rail Fence



**Figure 3-1: Proposed FEIS Site Plan**  
 Salem Hunt  
 Town of North Salem, Westchester County, New York  
 Source: Insite Engineering, Surveying & Landscape Architecture, P.C.  
 Date: 08/05/09  
 Scale: As shown





**Figure 3-2: 1985 Land Use Plan**  
 Salem Hunt  
 Town of North Salem, Westchester, New York  
 Source: Town of North Salem Master Plan, 1985  
 Scale: 1" = 3,700'

- PUBLIC & SEMI-PUBLIC:**
- HS High School
  - MS Middle School
  - ES Elementary School
  - T Town Hall
  - F Fire House
  - G Town Garage
  - L Library
  - M Museum
  - C Religious Institution
  - NH Nursing Home
  - I Other Institution
  - † Cemetery

- Recreation - Existing
- Recreation - Proposed
- Open Space - Existing
- Open Space - Proposed
- Watershed Area
- Historic Area - Proposed
- Prime Agricultural Land
- Waterbodies
- 100 Year Flood Boundary

- LAND USE:**
- Rural Density Residential
  - Low Density Residential with utilities
  - Low Density Residential w/o utilities
  - Medium Density Residential
  - Medium-High Density Residential
  - Commercial
  - Office
  - Alternate Multi-Family Residential
  - Alternate Medium Density Residential
  - Alter

- CIRCULATION & TRANSPORTATION:**
- Limited Access Highway
  - Major Road
  - Secondary Road
  - Collector Road
  - Local Road
  - Railroad

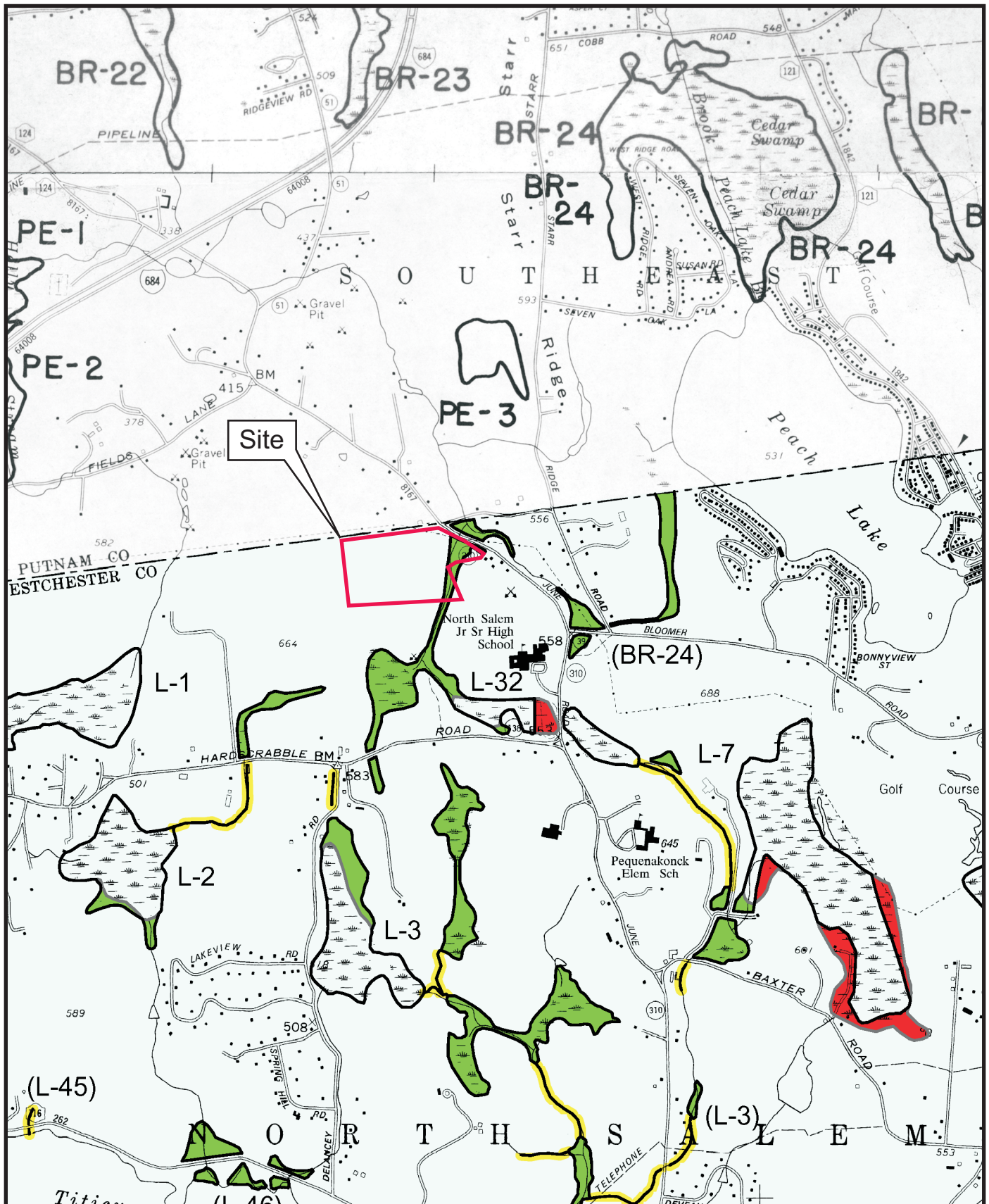


Figure 3-3: NYS Freshwater Wetlands Map  
 Salem Hunt  
 Town of North Salem, Westchester, New York  
 Source: NYS Department of Environmental Conservation  
 Scale: 1" = 2,000'

