

VILLAGE BOARD OF TRUSTEES: VILLAGE OF BRIARCLIFF MANOR  
COUNTY OF WESTCHESTER: STATE OF NEW YORK

---

In the Matter of the Application of

CANOE BROOK DEVELOPMENT, LLC,

To Amend the Village of Briarcliff Manor Code to Amend Sections 220-6 of the Zoning Code to Allow Multifamily Residence as a Special Permit Use in the B and BT Zoning District.

X  
:  
: **PETITION**  
: **FOR**  
: **ZONING**  
: **AMENDMENT**  
:  
:  
X

---

Petitioner CANOE BROOK DEVELOPMENT, LLC (“Petitioner”), by its attorneys Zarin & Steinmetz, respectfully petitions the Village Board of Trustees (“Village Board”) of the Village of Briarcliff Manor (“Village”) as follows:

**SUMMARY OF PETITION**

- 1) This is a Petition pursuant to Section 1-7 of the Village’s Code (“Code”) to amend Sections 220-6 of the Code to allow for multifamily residence as a Special Permit Use in the Planned Office Building and Laboratory B Zoning District (“B-Zone”) and Business Transitional BT Zoning District (“BT-Zone”).
- 2) This would require the Village Board’s approval of a text amendment to the Village Code that allows multifamily residence as a Special Permit use in the B-zone (the “Multifamily Amendment”). Annexed hereto as Exhibit “A” is a draft Multifamily Amendment.
- 3) Petitioner is contract vendee of a parcel of real property located at 320 Old Briarcliff Road (the “Property”), which is located in the B-Zone and has been vacant since approximately 2006, due in large part to the limited uses permitted in the B-Zone.
- 4) Code Section 220, Attachment 3, which sets forth the permitted uses in the B-Zone, currently only permits uses such as single or multi-tenant offices, research laboratories, and wireless telecommunication service facilities.

5) Respectfully, and as recognized by the Village Board in its recently adopted Comprehensive Plan Addendum, the permitted uses in the B-Zone are overly restrictive, and have not allowed for the successful and productive use of B-Zone properties.

6) The Multifamily Amendment would allow for multifamily residences as a special permit use in the B-Zone on properties that meet certain specifications, including that the property is adjacent to an R30M zoning district. See Exhibit "A."

7) The only B-Zone property that could meet these specifications is the Petitioner's.<sup>1</sup>

8) The Petitioner's specific Proposed Project (as further described and defined herein) is for a luxury rental building comprised of 142 one- and two-bedroom apartments in a three (3)-story building. The proposed unit count comports to existing allowable densities in the Village's multifamily (R30-M) zone.

9) This Proposed Project presents a plan for an important housing product in the Village that is not presently available in the Village.

10) In the first instance, it would provide current residents of the Village with a chance to sell their homes and yet still remain in the Village, while also cycling their houses to new young families that will bolster the community for the next generation.

11) Secondly, the Proposed Project offers quality housing to young professionals and young couples who are looking to establish roots in this area of Westchester and/or live near their families in 21<sup>st</sup>-century luxury housing.

12) At this time, Westchester County is largely devoid of this sort of luxury multifamily housing option – certainly in the northern portion of the County.

---

<sup>1</sup> Provided that the Petitioner apply for and obtain a merger/re-subdivision for the two (2) tax lots that comprise the Property, the Property will meet the requirements.

13) As demonstrated in the accompanying Expanded Environmental Assessment, which was prepared by JMC, adoption of the proposed Multifamily Amendment would have no significant adverse impacts on the environment. The Expanded Environmental Assessment is submitted herewith under separate cover.

14) The Expanded Environmental Assessment includes as appendices: a Long Environmental Assessment Form (“EAF”), Traffic Study, Preliminary Stormwater Analysis, School Children and Tax Analysis, and Wetland Investigation and Regulatory Assessment.

15) These appendices further demonstrate that the proposed Multifamily Amendment would have no significant adverse impacts.

#### **THE PETITIONER AND THE PROPERTY**

16) The Petitioner is a limited liability company organized under the laws of the State of New Jersey.

17) Petitioner is a real estate developer with over 25-years experience in developing, owning, and operating luxury multifamily rental residences in the tri-state area.

18) The Petitioner has built over 20,000 residential units in this area, focusing each project on luxury housing that meets the market needs of each individual community in which they build.

19) In March of 2016, Petitioner entered into a letter of intent to purchase the Property, with a specific development plan, which was a multifamily residence building. Subsequently, in August 2016, Petitioner entered into a purchase sale agreement.

20) The current owner of the Property is Emigrant Savings Bank (the “Owner”).

21) The Property is zoned in the B-Zone, and is the site of two (2) former office buildings.

22) The Property is comprised of two (2) separate tax lots, one (1) of which is vacant, the other of which has two (2) existing buildings and one (1) parking lot.

23) As part of its approval process for the Proposed Project, the Petitioner will propose to merge the two (2) tax lots. See supra Footnote 1.

24) The Property and the existing buildings located at the Property have been vacant since 2006, predating the Owner's purchase of the Property.

25) This vacancy is largely due to the limited uses permitted in the Village's B-Zone, which currently only permits single or multi-tenant offices, research laboratories, and wireless telecommunication service facilities uses. See Code § 220, Attachment 3.

26) As the Village Trustees are well aware, all of the B-Zone properties are underperforming or vacant.

27) As the Village Board identified in its recently adopted Comprehensive Plan Addendum, multifamily residences would be a good use on certain properties. The Comprehensive Plan Addendum, adopted by the Village Board on October 4, 2017, is annexed hereto as Exhibit "B."

28) The Property is completely surrounded by residential properties and residential zoning districts. Specifically, adjacent to the Property are the R-20B, R-60A, and the R30-M zoning districts.

29) Petitioner submits that a multifamily residence project would be fully within the character of these surrounding residential districts and properties.

30) Submitted herewith, the Petitioner has provided the Village Board extensive analysis demonstrating that the Multifamily Amendment and their specific Proposed Project would not result in any significant adverse impacts. See Expanded Environmental Assessment.

31) Petitioner respectfully submits that its Property is an ideal location in the Village for the proposed multifamily residence use, and the Village Board should take advantage of the Petitioner's proposal for this use in the Village on a Property that would potentially otherwise remain vacant.

### **The Proposed Project**

32) The Proposed Project is a luxury rental community comprised of 142 one- and two-bedroom apartments in three (3)-stories of a 38.5-foot tall building. Perspective renderings with floor plans, and Preliminary Layout and Grading Plans for the Proposed Project are annexed hereto as Exhibits "C" and "D."

33) The rental apartment building is proposed to consist of fifty-three (53) one (1)-bedroom and eighty-nine (89) two (2)-bedroom units.

34) The building will be comprised of three (3) residential stories, which would be built over one (1) story of structured parking. The structured parking would provide approximately one hundred (100) spaces, giving residents an opportunity to park within the building.

35) Additionally, the Proposed Project proposes an additional 158 surface parking spaces, which would provide adequate parking for residents, as well as any family guests or other visitors of residents.

36) The Proposed Project would feature quality finishes and contemporary amenities, including expansive indoor and outdoor amenities such as a pool deck, full fitness center, common area for telecommuting, socializing with neighbors and hosting friends/family, and 28,400 square foot of private outdoor recreation facilities, which may include an enclosed portion of outdoor recreation space for small children.

37) The Proposed Project comports with the majority of the dimensional requirements of the B-Zone, with the exception of parking setbacks and density, which would comport with the requirements of the adjacent R30-M zoning district. See Exhibit “D”, “Preliminary Overall Layout Plan” which contains the table of land use.

38) Specifically, with respect to density, the Proposed Project proposes 142 units on 16.3 acres, which is only 8.7 units per acre.

39) This is consistent with the Village’s existing densities, and far below the densities of other Westchester communities.

40) For several new projects in Westchester County, some of which have recently been constructed and delivered to market, and some that are presently under construction, the average density is approximately 35-40 units per acre.<sup>2</sup>

41) Finally, the Proposed Project proposes to leave the currently vacant lot vacant. Furthermore, the footprint of the Proposed Project would remain within the footprint of the existing buildings’ impervious coverage.

42) There are a growing number of people who do not want to buy homes, and therefore are in the market to rent a highly amenitized luxury apartment.

---

<sup>2</sup> The below table demonstrates the several new projects in Westchester County that was relied on to get an average density of 38.13 units per acre:

City	Units	Acreage	Units /Acre
Dobbs Ferry *	202	6.8	29.71
Harrison	421	10.3	40.87
Bronxville	110	2.29	48.03
Hastings on Hudson	66	7.45	8.86
Mamaroneck	100	2.31	43.29
Tuckahoe	108	2.27	47.58
Ossining	188	3.87	48.58

\* Community developed on 17 acre site also including 112,000 SF of retail space and 138-key hotel; residential acreage based on assumption that 40% of site utilized for residential.

43) The Proposed Project would meet this market demand in Briarcliff by providing current residents who want to sell their homes to remain in the Village, while also offering housing to young professionals and couples who are looking to establish roots in Briarcliff.

### **THE PROPOSED AMENDMENT**

#### **A. The Proposed Self-Storage Amendment is Appropriate and Consistent with the Village's Comprehensive Plan**

44) Petitioner requests that the Village Board approve the proposed Multifamily Amendment. See Exhibit "A."

45) The Multifamily Amendment proposes to amend Section 220-6(M) of the Code to allow multifamily residences as a Special Permit use on B-Zone sites, with certain conditions, including that the site be adjacent to an R-30M zoning district. See id.

46) Furthermore, the Multifamily Amendment proposes that any plan for a multifamily residence include private on-site recreation facilities of no less than 200 square feet per unit. See id.

47) In its discretion, the Multifamily Amendment allows an applicant to apply for and the Village Board to permit the inclusion of any accessory use currently allowed for multifamily residences under the Code. See id.; see also Zoning Code Chapter 220, Attachment 1:2.

48) This would allow the Petitioner to provide an on-site pool for its residents.

49) Finally, the Multifamily Amendment would maintain the majority of the dimensional requirements for the B-Zone, except that Multifamily Amendment proposes to allow parking setbacks and the permitted density for multifamily structures to comport with the requirements of the adjacent R-30M zoning district. See Exhibit "D", "Preliminary Overall Layout Plan" which contains the table of land use.

50) Pursuant to the recently adopted Comprehensive Plan Addendum, the Village Board expressly recognized that office zoning as permitted under the current B-Zone is no longer functional, as the “market conditions for office uses in Westchester County and the region have changed in the past decade and reuse of these [B-Zone] properties under the current B/BT District regulations is prohibitive and unlikely.” See Comprehensive Plan Addendum at 3.

51) The Village Board adopted the Comprehensive Plan Addendum in recognition of the fact that there is a “desire to bring these office sites back into productive uses” and the Village Board “seeks to allow for the consideration of other uses in the B/BT District to allow for greater flexibility of use, bulk, and density to allow for appropriate and sustainable redevelopment and/or reuse of these [B-Zone] properties.” See id.

52) Specifically, the Comprehensive Plan Addendum states that new uses and developments in the B-Zone “are in keeping with the character of the surrounding neighborhood, will not place an undue burden on municipal resources and infrastructure, and will protect natural resources such as steep slopes, wetlands, significant trees, and public views.” See id. at 4.

53) One use that the Village Board specifically included in the Comprehensive Plan Addendum to be considered as an additional special permit use in the B-Zone is a multifamily residential use. See id. at 3-4.

54) Petitioner submits that its Proposed Project would meet the goals of the Comprehensive Plan Addendum.

55) The Property is surrounded by residential neighborhoods, including a large multifamily residential neighborhood, such that its Proposed Project for a multifamily residential building would be within the same character. Indeed, the existing office development is entirely out of character with the surrounding area.

56) Further, as set forth below, the Proposed Project would contribute to local taxes while not placing an undue burden on municipal resources, and would protect the Property's natural resources.

57) Additionally, the proposed Multifamily Amendment, as set forth in Exhibit "A," is consistent with the draft amendment the Village Board was previously considering adopting on its own (the "Village's Draft Amendment"). The Village's Draft Amendment is annexed hereto as Exhibit "E."

58) In fact, the proposed Multifamily Amendment is more restrictive in terms of density than the Village's previously promulgated Draft Amendment in that it would not give an applicant the ability to apply for the density bonuses as proposed in the Village's Draft Amendment. See id.

59) Accordingly, Petitioner respectfully submits that the Village Code should be amended to include multifamily residence as a special permit use in the Village's B-Zone so that Petitioner may successfully develop the Property, and meet the Village Board's goals as set forth in the Comprehensive Plan Addendum.

**B. The Multifamily Amendment and Proposed Project Would Not Result In Any Significant Adverse Impacts**

60) As previously stated, accompanying this Petition is an Expanded Environmental Assessment, which includes a Long EAF, Traffic Study, Preliminary Stormwater Pollution Prevention Plan ("SWPPP"), School Children and Tax Analysis, and Wetland Investigation and Regulatory Assessment. See Expanded Environmental Assessment Form, which was submitted herewith under separate cover.

61) All of these analyses demonstrate that the Multifamily Amendment and Proposed Project would not result in any significant adverse impacts.

62) In order for Petitioner to utilize the Property as a multifamily residence, it would need to receive approvals from the Village Board for: (i) the Multifamily Amendment, and (ii) special permit approval for the specific Proposed Project.

63) Both of these approvals require compliance with SEQRA. Petitioner submits that the extensive studies submitted herewith adequately demonstrate that the Multifamily Amendment and Proposed Project would not result in any adverse impacts. However, during the special permit approval for the specific project, the Village Board could require Petitioner to study the site-specific environmental impacts further.

### **1. The Proposed Project Will Not Result in An Adverse Visual Impact**

64) The perspective rendering for the Proposed Project demonstrates that the building Project is designed to be an aesthetically pleasing building, comprised of three (3) stories of residential and one (1) story of structured parking. See Exhibit “C.”

65) The building is designed to be only 38.5 feet tall, despite the fact that the B-Zone presently allows for buildings to be sixty-five (65) feet tall and the adjacent R-30M zoning district allows for buildings to be forty-five (45) feet tall.

66) The Property is currently well screened from the sides and rear. The Petitioner proposes to leave all existing trees in place at the Property to ensure that the Property remains screened.

67) There is also significant existing screening located on Old Briarcliff Road that will help ensure that the view of the proposed building will be limited.

68) The Petitioner also commits to providing additional screening in front of the surface parking to ensure that passersby on Old Briarcliff Road will have limited views of the Proposed Project.

69) Furthermore, on-site outdoor lighting will be high efficiency, and downward facing. See Long EAF at 8.

**2. The Proposed Project Will Not Result in Adverse Traffic Impacts, and, the Petitioner has Committed to Future Mitigation**

70) As demonstrated in the Traffic Study, the Proposed Project will not have a significant impact on future traffic operations near the Property. See Traffic Study at 12.

71) Two (2) specific intersections were studied in the Traffic Study – the Old Briarcliff Road and proposed site driveway intersection, and the Pleasantville Road and Old Briarcliff Road intersection.

72) The Old Briarcliff Road and proposed site driveway intersection is projected to operate with minimal delays, at level of service “A” during both the weekday peak AM and PM hour. See Traffic Study at 12 & Table 2.

73) The intersection of Pleasantville Road and Old Briarcliff Road is projected to operate at acceptable levels of service, except for the Old Briarcliff Road approach during the peak weekday AM hour.

74) The Petitioner has committed to monitoring actual future traffic volumes at the Pleasantville Road and Old Briarcliff Road intersection, once the Proposed Project is built (for a length of time to be determined later), to determine whether a traffic signal installation as a potential mitigation for existing traffic and traffic as a result of the Proposed Project. See Traffic Study at 9-10, 12.

75) Specifically, the concern at this intersection is during the weekday AM peak hour.

76) Currently, during the weekday AM peak hour, this intersection operates at a level of service “C” (there are two (2) ways to turn at this intersection).

77) If the Proposed Project were not built, and rather the existing office buildings were re-occupied, the level of service at this intersection (at the northbound approach) would operate just below a level of service “E” during this weekday AM peak hour.

78) If the Proposed Project were built without the signal, the intersection (at the northbound approach) is projected to operate at a level of service “F” with the Proposed Project during the weekday AM peak hour.

79) With the proposed signal, the intersection (at the northbound approach) is projected to operate at a level of service C with the Project during the weekday AM peak hour.

80) The reason the Petitioner is not proposing installation of a signal at this time is because “[t]he traffic volumes at the intersection need to meet a minimum hourly threshold for at least eight hours in a day to satisfy the warrant for installation of a traffic signal,” and the eight-hour warrant is not met based on the projected volumes. See Traffic Study at 10.

81) So, Petitioner proposes to monitor actual future traffic volumes at the intersection once the Proposed Project is complete for a period to be determined later. If the actual traffic volumes meet the eight-hour warrant during that period, thus determining that a traffic signal is warranted at the intersection, Petitioner will agree to pay for the installation costs.

82) It should also be noted that the Proposed Project will result in significantly less traffic volumes than re-occupation of the 60,000 square foot office buildings located at the Property would result in. See Traffic Study at Table 1.

83) Specifically, if the office buildings were re-occupied, the total number of cars entering and exiting the Property at the peak weekday AM hour would be eighty-three (83), and at the peak weekday PM hour would be seventy (70).

84) The Proposed Project results in fifty-one (51) cars entering and exiting the Property at the peak weekday AM hour (i.e. thirty-two (32) trips less than the office), and sixty-two (62) at the peak weekday PM hour (i.e. eight (8) trips less than the office).

85) The Proposed Project also results in significantly less traffic than if the Petitioner were to construct the maximum permitted office at the Property. See Alternative Development Comparison for Traffic, annexed hereto as Exhibit "F."

86) Pursuant to the dimensional requirements of the B-Zone, a 284,000 square foot office building could be constructed at the Property as-of-right.

87) This would result in 293 cars entering and exiting the Property at the peak weekday AM hour, and 307 cars entering and exiting the Property at the peak weekday PM hour. See id.

88) This is 242 more cars than the Proposed Project at the peak weekday AM hour, and 245 more cars than the Proposed Project at the peak weekday PM hour.

89) Petitioner respectfully submits that the impacts of the Proposed Project are less impactful than other, already approved, alternatives at the Property.

### **3. The Proposed Project Incorporates Adequate Mitigation Measures So As Not To Result In Adverse Stormwater Impacts**

90) The Petitioner has submitted herewith a preliminary SWPPP, which demonstrates that the proposed stormwater facilities for the Proposed Project will be designed in such a way that the quantity and quality of stormwater runoff during and after construction are not adversely altered, or are actually enhanced when compared to pre-development conditions. See Preliminary SWPPP, at 2.

91) Currently, stormwater on the Property from the two (2) existing vacant office buildings, parking areas and surrounding undeveloped areas, is collected on site and conveyed

via existing stormwater infrastructure to a storm basin on Old Briarcliff Road at the east end of the Property. Id. at 9.

92) While the Proposed Project will increase the overall impervious areas on the Property by 43,931 square feet, various new stormwater measures have been proposed to adequately mitigate the runoff from the additional impervious surfaces. Id. at 10.

93) These measures include swales, catch basins, underdrains, stormwater planters, and StormTech chamber systems. See id.

94) The Petitioner's engineers also will establish an Erosion and Sediment Control Management Program to mitigate the potential impact of the proposed development on any soils or slopes from erosion and transport of sediment during construction. See id. at 11.

95) The Erosion and Sediment Control Management Program will employ temporary control measures, including silt fences, interceptor swales, stabilized construction entrances, temporary seeding, mulching and sediment traps, as well as permanent control measures and facilities for long term protection, including stormwater planters, a CDS Water Quality Structure, infiltration system, catch basins, rip-rap energy dissipators, and seeding. Id. at 11-22.

96) Additionally, the Petitioner has included herewith a Steep Slopes Map that illustrates that the steep slopes on the Property.

97) The majority of the steep slopes of the Property are located on the undeveloped lot that comprises a portion of the Property. This lot will not be disturbed as a result of the Proposed Project, thus preserving the steep slopes.

98) Disturbance to the steep slopes on the other portion of the Property have been minimized to the maximum extent practicable, which is permitted under the Village Code provided that the Petitioner apply for and obtain a Wetland Permit (which Petitioner intends to do). The Steep Slopes Map is annexed hereto as Exhibit "G".

#### **4. The Proposed Project Will Not Result in Adverse Impacts to Municipal Resources**

99) The Proposed Project will result in a net increase in taxes, without causing any adverse impacts to the local schools.

100) The Proposed Project is expected to generate total property taxes of \$1,225,052.00 each year. See School Children and Tax Analysis at 5.

101) Currently, the taxes generated by the Property each year are only \$239,836.00. Id.

102) Thus, there would be a net increase in taxes of \$985,216.00 as a result of the Proposed Project.

103) Approximately 77%, or \$873,005.00, of these taxes will be contributed to the school budget. See id. at 6.

104) The Property is situated within the Ossining Union Free School District. See id. at 2.

105) The trend in district enrollment for the Ossining Union Free School District over the past six (6) school years has been an increase in 78 children each year (1.76% increase). See id. at 3.

106) Conservatively, the Proposed Project is projected to result in an overall generation of 17-19 school children, which is a mere 0.4% increase in the total enrollment of the school district. See id. at 3.

107) The instruction costs per student in the Ossining Union Free School District are approximately \$13,340.00 per year, of which 77% or \$10,272.00 is paid by local tax levy. See id. at 6.

108) With the Proposed Project estimated to generate \$873,005.00 in school taxes, \$45,948 to \$51,353.00 in taxes would be generated for each of the estimated 17-19 new

students. This results in a total surplus of approximately \$677,844.00 to \$698,377.00 in school taxes for the district. See id.

109) Thus, the Proposed Project will have a positive economic impact on both the school district and Village.

**5. The Proposed Project Will Result in Permitted Activities Within the Property's Wetlands that Will Not Have an Adverse Impact**

110) A wetland investigation of the Property was conducted to identify the wetlands located at the Property and determine whether they will be impacted ("Wetland Investigation"). See generally Wetland Investigation and Regulatory Assessment.

111) Freshwater wetlands were identified on the Property, and regulated activities associated with the Proposed Project are proposed within the 100-foot wetland adjacent area.

112) The Village regulates activities within the 100-foot wetland adjacent area, and makes distinctions between what is allowed in the inner fifty (50) feet and the outer fifty (50) feet of the adjacent area. See id. at 3.

113) Pursuant to the Village's Code, no buildings and structures are allowed within zero (0) to fifty (50) feet of the wetland boundary. The Wetland Investigation confirms that no buildings or structures are proposed within this area. See id. at 3.

114) The only activity proposed within this area is portions of the emergency access road, which is intended to be designed with pervious grass pavers. All existing pavement in this area is proposed to be removed. This activity would actually ultimately lead to a reduction in existing impervious cover in this area. These activities are explicitly allowed under the Village Code with approval from the Village Planning Board. See id.

115) Buildings and structures are allowed within fifty (50) to one hundred (100) feet of the wetland boundary with approval from the Village Planning Board. Portions of the Proposed

Project, including the access road, parking, and portions of the proposed building, would be located within this area. See id.

116) Overall, there will be a reduction in the impervious cover within the wetland adjacent area, when compared to existing conditions. See id. at 4.

### **CONCLUSION**

117) We submit that this Petition and the requested Multifamily Amendment present the Village Board with an excellent opportunity: provide a use in the Village that is marketable; restore an important property; minimize environmental impact; contribute to Village and local taxes; and fulfill the goals and objectives of the recently adopted Comprehensive Plan Addendum.

118) Accordingly, Petitioner respectfully requests that the Village Board declare itself Lead Agency for the purposes of conducting an environmental review of this Petition under SEQRA.

**WHEREFORE**, Petitioner respectfully requests that the Village Board: (a) amend Section 220-6 of the Village's Code to allow multifamily residences as a Special Permit Use in the B- and BT-Zone; and (b) declare itself Lead Agency for the purposes of conducting environmental review under SEQRA.

White Plains, New York  
Dated: October 12, 2018

ZARIN & STEINMETZ

By:

David S. Steinmetz

Kate Roberts

*Attorneys for the Petitioner*  
81 Main Street, Suite 415  
White Plains, NY 10601  
(914) 682-7800

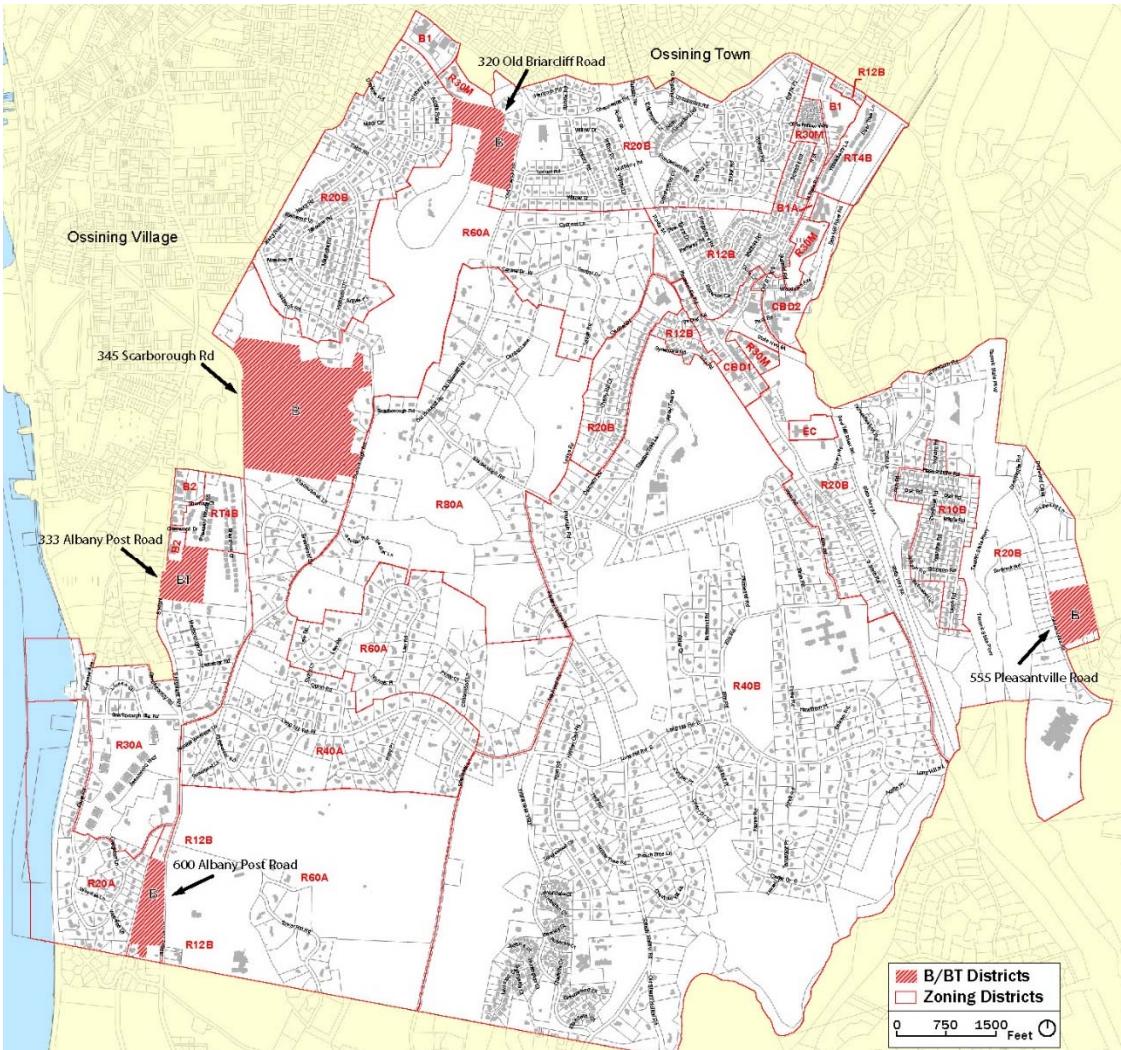
# EXHIBIT “A”

220-6.M. Special use in a Planned Office Building and Laboratory B District or a Business Transitional District.

(2) Multifamily residence. Within the B and BT zoning districts, the Village Board may grant a special permit for construction and operation of one or more structures containing two or more dwellings for multifamily occupancy, subject to the following standards and requirements set forth below:

- (a) The site is adjacent to an R30M zoning district, which allows multifamily residential use.
- (b) There shall be on the same site a private recreational facility space having an area of not less than 200 square feet per unit, a portion of which may be an enclosed, suitable surface play area for small children.
- (c) An applicant may request and the Village Board, at its discretion, may permit the inclusion of any Permitted Accessory Use allowed for Multifamily Residences, as set forth in Chapter 220, Attachment 1:2 of this Code.
- (d) The dimensional requirements of the B zoning district shall apply, except that if the site is adjacent to an R30M zoning district, the applicant may utilize the parking setbacks of the R30M zoning district.
- (e) The minimum lot area per dwelling unit for proposed multifamily residences shall be calculated based upon the highest residential density of any zoning district which is adjacent to the site, including the R30M zoning district, which shall be applied to the total area of the site.

# EXHIBIT “B”



# Village of Briarcliff Manor Comprehensive Plan Addendum *B/BT District Recommendations*

Adopted: October 4, 2017

BFJ Planning

# **Village of Briarcliff Manor**

## **DRAFT Comprehensive Plan Addendum**

### ***B/*BT District Recommendations**

**Adopted: October 4, 2017**

***Prepared on behalf of:***

**Village of Briarcliff Manor Board of Trustees**  
1111 Pleasantville Road  
Briarcliff Manor, New York 10510



***Prepared by:***

**BFJ Planning**  
115 Fifth Avenue  
New York, NY 10003

**BFJ Planning**

# Acknowledgements

## **Village of Briarcliff Manor Board of Trustees**

Lori A. Sullivan, Mayor  
Cesare J. DeRose, Jr.  
Mark Pohar  
Mark L. Wilson  
Bryan Zirman

## **Comprehensive Plan B Zone Advisory Committee**

Steven Vescio, Chair  
Steve Elkes  
Michael Gioscia  
Aaron Stern  
Sabine Werner  
Mark Wilson

## **Village Staff and Advisors**

Philip Zegarelli, Village Manager  
David Turiano, Village Engineer  
Clinton Smith, Village Legal Counsel  
Daniel Pozin, Village Legal Counsel

## **BFJ Planning**

Sarah K. Yackel, AICP, Principal

## SECTION 1.0: B ZONE RECOMMENDATIONS

The 2007 Village of Briarcliff Manor Comprehensive Plan is amended<sup>1</sup> as follows:

### **Section 2.6.4 Office and Business Areas: North State Road Offices, Route 9 Offices, Stand-Alone Offices and Laboratories (Comprehensive Plan Page 63)**

There are four areas in the Village zoned B Planned Office Building and Laboratories. ~~Offices-Parcels in the B District are comprised of~~ here are the ±94-acre former Philips Laboratories on at 345 Scarborough Road, the ±9.4-acre former Sony Corp. at 600 Albany Post Road (on Route 9), the ±16.8-acre former Briarcliff Executive Park (formerly also known as Mearl) on at 320 Old Briarcliff Road, and the ±10.7-acre Briarcliff Corporate Campus on at 555 Pleasantville Road. ~~With the exception of 555 Pleasantville Road, all of the office complexes have been vacant since the early 2010s. 555 Pleasantville Road, while still in use as a multi-tenant office complex, is underutilized with a portion of the existing office space vacant. With the exception of Philips Laboratories, All of the buildings on each of the B zoned parcels are visible from the street, with the exception of Philips Laboratories, which is located in the interior of the ±94-acre site. However~~ In addition, each of the four parcels is set back from the roadway, accessed by private driveways and screened by ~~with~~ a significant amount of landscaping. The former Philips site and former Mearl site are located in residential neighborhoods off of residential streets, while the former Sony Corp. site is located along State Route 9, and the Briarcliff Corporate Campus is located along Pleasantville Road, a County road. The Philips Laboratories campus is about 98 acres, part of which is residentially zoned. The four B zoned properties and the one BT zoned property are shown in Figure 1.

### **Section 3.4 – Business Districts**

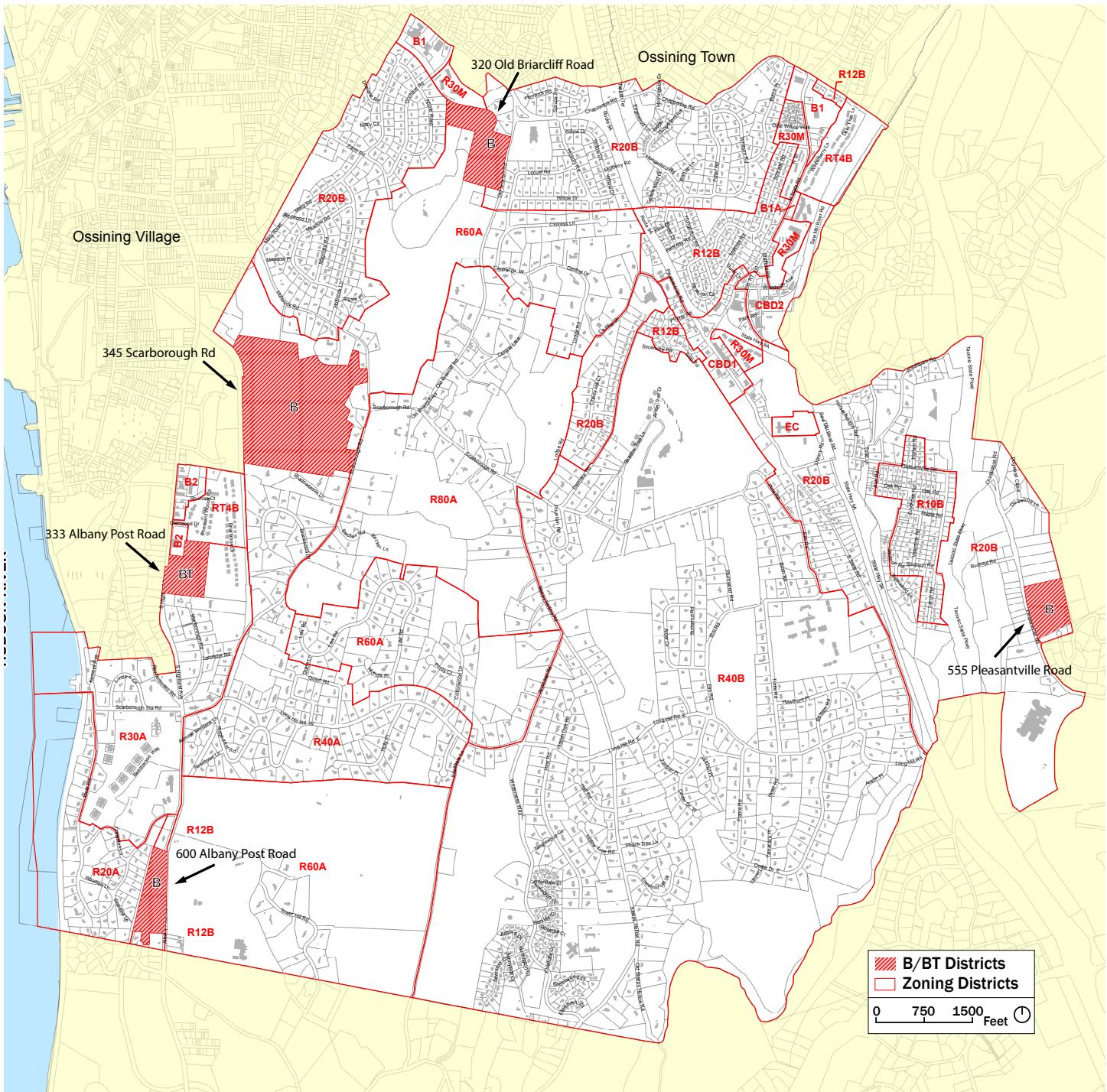
Add the following to Section 3.4 Business Districts (Comprehensive Plan Page 86):

#### **GOALS:**

1. Create a successful central business district that has a distinct sense of place by building upon intrinsic historic, economic, natural and cultural amenities.
2. Create business districts that are pedestrian-friendly to promote a greater sense of community, improve opportunities for social contact and interaction and enhance downtown vitality.
3. Increase our commercial tax base.
4. Provide an appropriate level of flexibility of use, bulk, and density to allow for appropriate and sustainable redevelopment and/or reuse of the Villages B/BT zoned properties.

---

<sup>1</sup> Amendments to the 2007 Village Comprehensive Plan are shown herein in underlined and ~~strikeout~~. “Strikeout” text indicates text that has been deleted from the 2007 Plan, while “underline” text indicates text that has been added to the Plan. Text amendments contained in this Addendum supersede text contained in the 2007 Plan.



Source: Village of Briarcliff Manor

Figure 1: B and BT District Zoned Properties

As noted, the Village has ~~three~~ four principal commercial districts: the Chilmark Shopping Center; the complex at the corner of North State Road and Chappaqua Road; ~~a stretch of commercial uses located along S. Highland Avenue (Route 9) roughly between Glenwood Drive to the south and Charter Circle to the north~~; and, the Village's Central Business District comprised of portions of Pleasantville Road (west of Route 9A) and the area bounded by North State Road, Woodside Avenue, and Route 100, east of Route 9A. The Village also ~~historically had~~ has several commercial office developments ~~located in the B and BT Districts~~; however, all but two are currently vacant. The existing multi-tenant office complex (Briarcliff Corporate Campus) located at 555 Pleasantville Road within the B District is approximately 40% vacant, while the SHA Data Center located at 333 Albany Post Road is in use as a data storage center. The three remaining B District properties (former Philips, Sony and Mearl properties) have been vacant for some time and are being actively marketed for redevelopment in uses other than office and laboratory uses. The Village recognizes that market conditions for offices uses in Westchester County and the region have changed in the past decade and reuse of these properties under the current B/BT District regulations is prohibitive and unlikely. However, given the Village's relatively small commercial tax base, redevelopment of certain B/BT District properties, where feasible, for commercial use (or some portion of commercial use) of an appropriate type and scale type in suitable locations is encouraged.

Further, in recognizing the changing market conditions combined with a desire to bring these office sites back into productive use, the Village seeks to allow for the consideration of other uses in the B/BT District to allow for greater flexibility of use, bulk, and density to allow for appropriate and sustainable redevelopment and/or reuse of these properties. The Village also recognizes that each of the B/BT District sites is unique and while they all share a zoning designation, they vary significantly in size, location, access, and environmental sensitivity. Given this, flexibility in how redevelopment of each site is approached is imperative to limit and/or mitigate potential impacts to neighborhood character, open space, the natural environment (i.e. steeps slopes, wetlands, etc.), cultural and historic resources, recreation, traffic, public transit (Scarborough Metro-North Train Station), infrastructure (i.e. water, sewer, DPW), and emergency services (i.e. police, fire, and emergency medical services). Therefore, the B/BT District regulations should be amended to allow for consideration of additional uses, densities, bulk and dimensional standards by special use permit or some other regulatory process, such as a planned unit development (PUD) that are individually tailored to the specific conditions of each property. The District could be amended to include a standard list of permitted principal uses, and minimum height, bulk and dimensional standards that would apply across the District (similar to the existing District regulations) and then allow additional uses and flexibility of area, bulk and dimensional standards based on site-specific conditions, at the discretion of the Village Board of Trustees, through either the PUD or special permit processes.

The following additional uses, subject to future zoning text amendments and study under the New York State Environmental Quality Review Act (SEQRA), and listed in no particular order, could be considered under the PUD, special permit, or other similar regulatory process could include:

- Multi-Tenant Office
- Biomedical

- Medical/Dental Office
- Self-Storage Facilities, located on a County or State road
- Retail/Shopping Center, located on a County or State road
- Hotel, located on a County or State road
- Light Manufacturing – of appropriate type and located on a County or State road
- Mixed-use Developments, in appropriate locations
- Single Family Residential
- Multi-Family Residential, with an appropriate scale and density

Through the amendment to the Comprehensive Plan with respect to the B/BT District, the Village seeks to ensure that new developments within the B/BT District are in keeping with the character of the surrounding neighborhood, will not place an undue burden on municipal resources and infrastructure, and will protect natural resources such as steep slopes, wetlands, significant trees, and public views. In addition, construction related impacts of future development projects should also be considered as part of the approvals process. If a particular development project is found to place an undue burden on Village resources, natural resources, or other environmental impact areas, measures to mitigate or eliminate the impact should be pursued during the regulatory approvals process. Redevelopment of the B/BT District properties should provide opportunities for the preservation of onsite open space and the provision of additional recreational amenities to the benefit of Village residents, where feasible. Where the provision of onsite recreational amenities are infeasible, the Village should consider the creation of a recreation fee for multi-family units to ensure that no impacts to recreation occur as a result of future residential development projects. Finally, in order to preserve onsite open space, clustering of single-family and townhome developments should be considered and the lot coverage of commercial or offices uses should be appropriate.

**Objective #2: Strengthen the commercial tax base.**

**Action items:**

- A. Encourage new and varied commercial development of an appropriate type and scale in suitable locations throughout the Village's business zones. In addition to the above, encourage businesses and offices in campus settings.
- B. Review and update Recognize the current and anticipated office market conditions and accordingly, consider amending the B/BT District requirements zoning regulations to allow for a greater variety of uses and an appropriate level of flexibility with regards to area, bulk and dimensional standards based on site-specific conditions, such as location, access, and environmental features. including lot coverage, building height, setbacks, and landscape buffers.
- C. Enhance the potential and appearance of the area zoned B-2 that fronts onto Route 9.

Amend Table 3-1: Implementation Strategies (*Comprehensive Plan Page 94*), as follows:

<b>BUSINESS DISTRICTS</b>				
<b>GOAL:</b> Create a successful central business district that has a distinct sense of place by building upon intrinsic historic, economic, natural and cultural amenities.				
<b>GOAL:</b> Create business districts that are pedestrian-friendly to promote a greater sense of community, improve opportunities for social contact and interaction and enhance downtown vitality.				
<b>GOAL:</b> Increase the commercial tax base.				
<b>GOAL:</b> Provide an appropriate level of flexibility of use, bulk, and density to allow for appropriate and sustainable redevelopment and/or reuse of the Villages B/BT zoned properties.				
<b>Objective #2: Strengthen the commercial tax base.</b>				
A	Encourage new and varied commercial development of an appropriate type and scale in suitable locations throughout the Village's business zones.	Trustees & Planning Bd.	On-going	3.4
B	Recognize the current and anticipated office market conditions and accordingly, consider amending the B/BT District zoning regulations to allow for a greater variety of uses and an appropriate level of flexibility with regards to area, bulk and dimensional standards based on site-specific conditions, such as location, access, and environmental features.	Trustees & Planning Bd.	Short-Term	3.4
C	Enhance the potential and appearance of the area zoned B-2 that fronts Route 9.	Trustees & Planning Bd.	Short-term	3.4

#### **Appendix A – Business Areas in Briarcliff Manor**

Amend Appendix A, as follows:

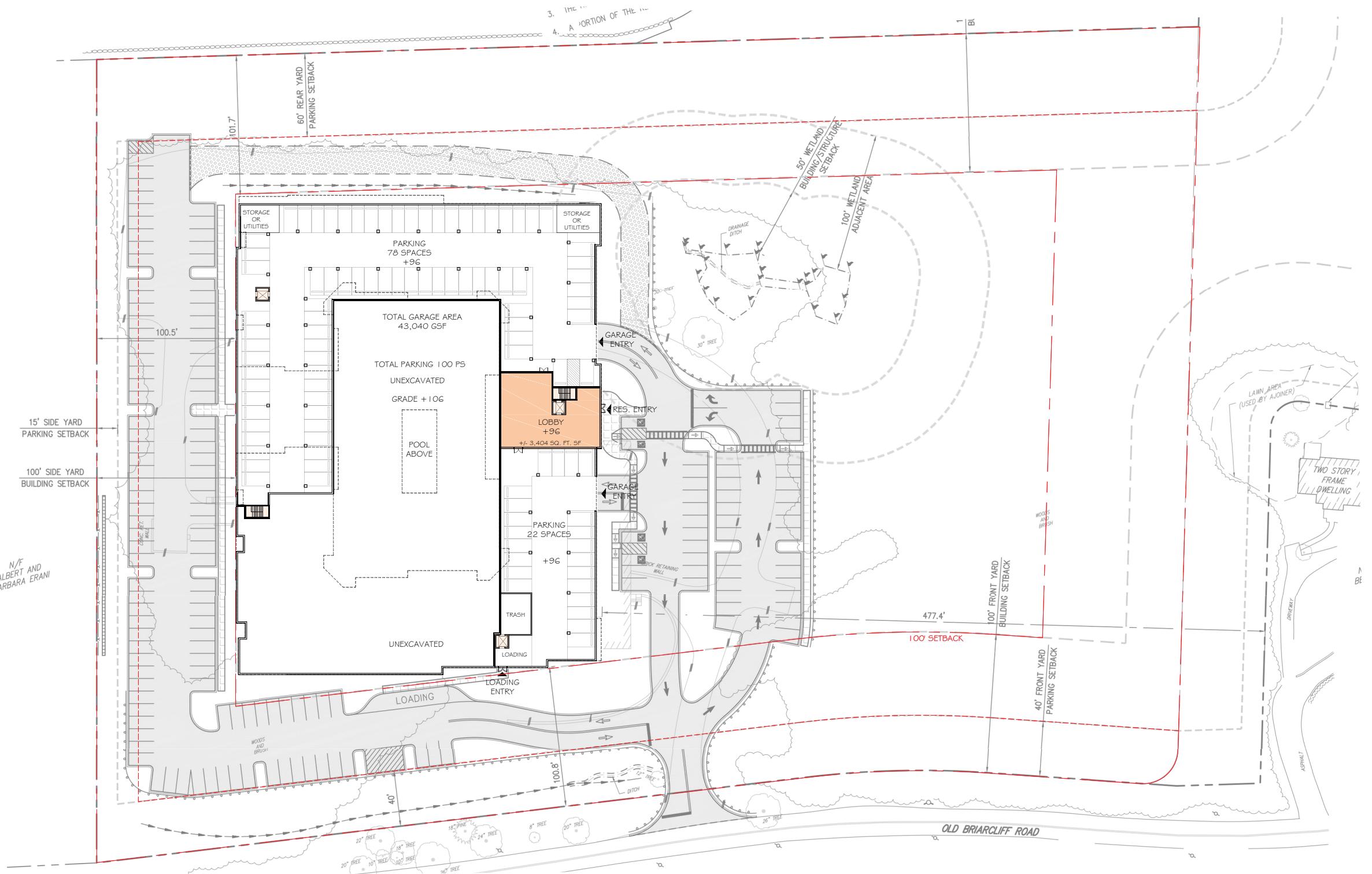
#### **Office and Business Areas (*Comprehensive Plan Page 116*)**

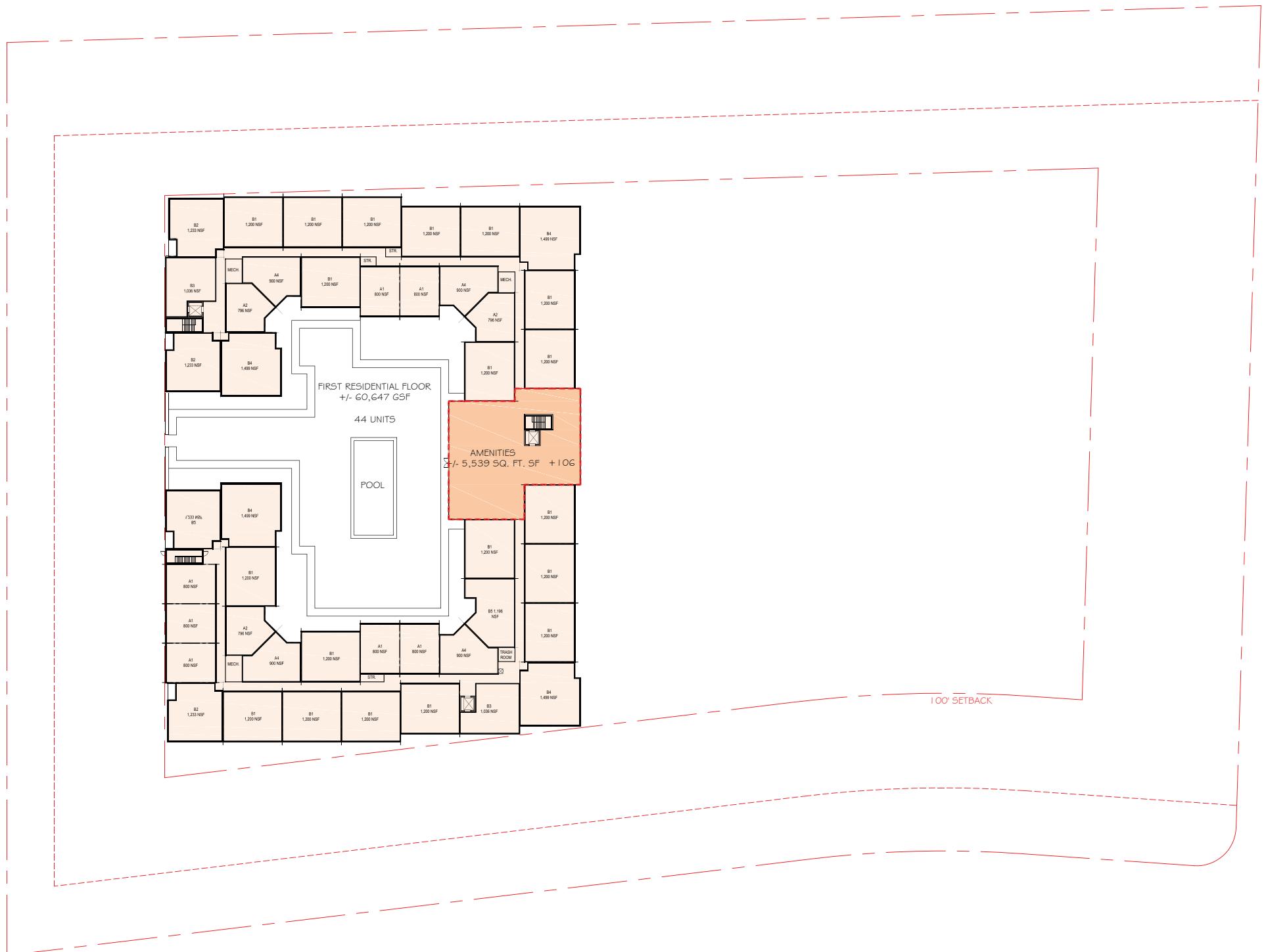
Office and business areas, including standalone offices, offices on North State Road and Route 9 and laboratories should remain as zoned, with the addition of commercial design controls aimed at new construction and major renovations. Businesses are important contributors to the Village's municipal tax. The businesses areas are well located – while Philips Laboratories, the property formerly known as Mearl, and the Briarcliff Corporate Campus are located in residential areas, they are close to arterials that take employee traffic directly out of the local street network. The Village has historically had five commercial office developments located in the B and BT Districts; however, all but two are currently vacant. Recognizing a more than decade long decline in the demand for office space in a traditional campus like setting, the Village began, in 2016, a process to review its existing B Planned Office Building and Laboratory and BT Business Transitional zones. The Village established the B Zone Advisory Committee to review the

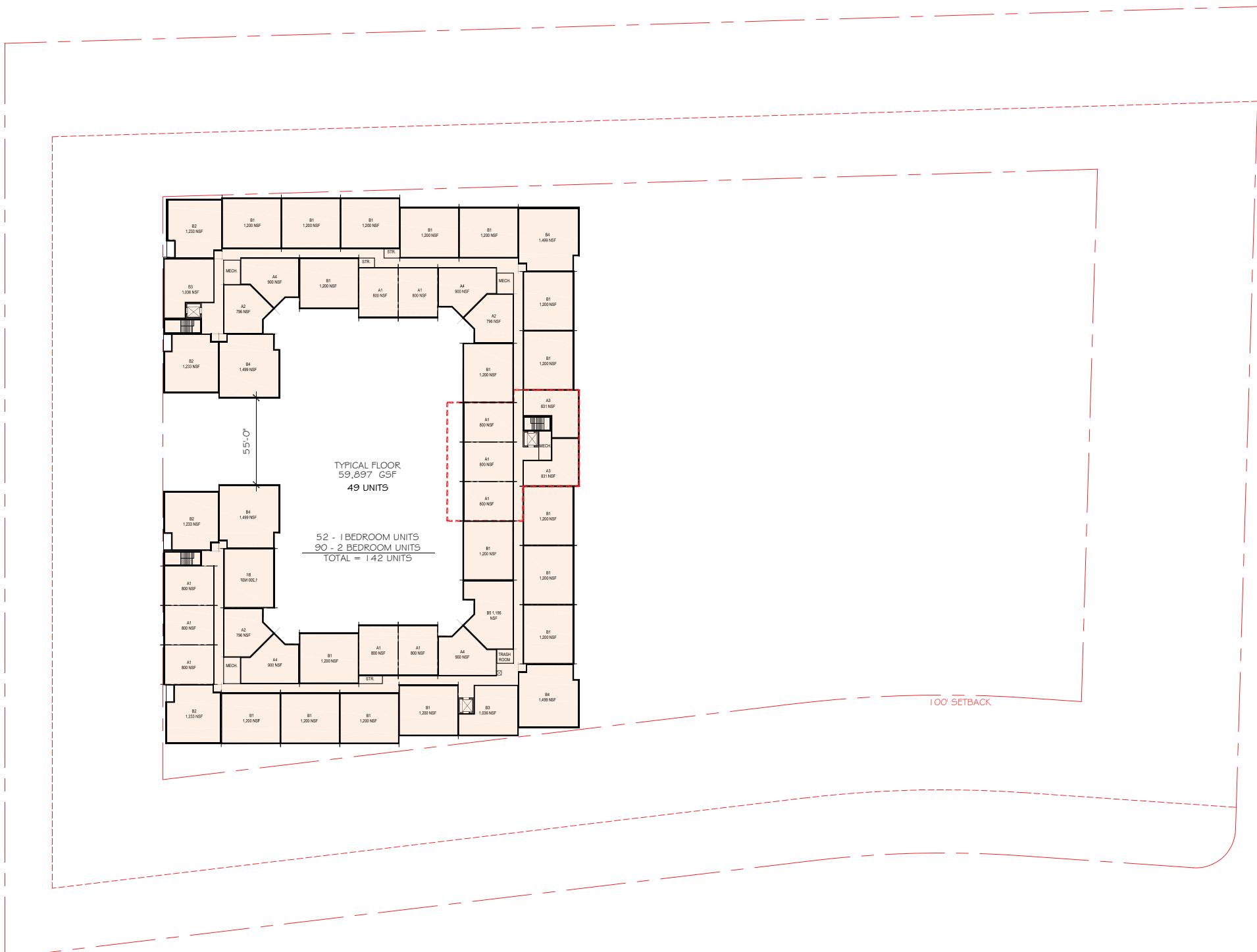
existing zoning, explore current market demand, and to make recommendations to the Board of Trustees as to what zoning amendments should be made to the B/BT Districts. The Committee focused its recommendations on enabling the B/BT zoned properties to be fully utilized and/or redeveloped with the highest and best use balanced with potential short- and long-term impacts on Village residents, including but not limited to neighborhood character, Village infrastructure, recreational resources, and the natural environment. The B Zone Advisory Committee issued a report to the Village Board of Trustees dated May 5, 2017. This report provides background information and potential recommendations to be considered by the Board of Trustees as it moves forward with amendments to the B/BT Districts as outlined in Section 3.4 of the 2017 Village Comprehensive Plan Addendum. Finally, this ~~plan-report~~ recommends that when the Mearl site is any of the B/BT District sites are redeveloped and plans are submitted for full occupation of the site, the Village should examine the traffic implications on nearby intersections, as well as all other potential environmental impacts.

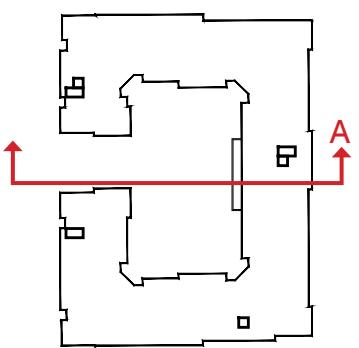
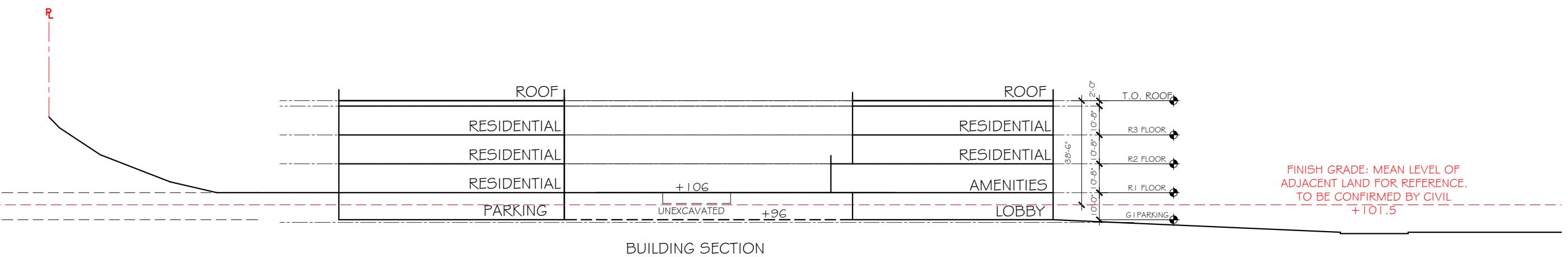
# EXHIBIT “C”











## KEY PLAN

# EXHIBIT “D”

---

**LEGEND**

## NOTES

1. EXISTING CONDITIONS DEPICTED ON THIS PLAN HAVE BEEN TAKEN FROM SURVEY TITLED, "SURVEY OF PROPERTY," PREPARED BY LINK LAND SURVEYORS P.C., REVISED 10/03/2016.

*N/F*  
ALBERT AND BARBARA E.

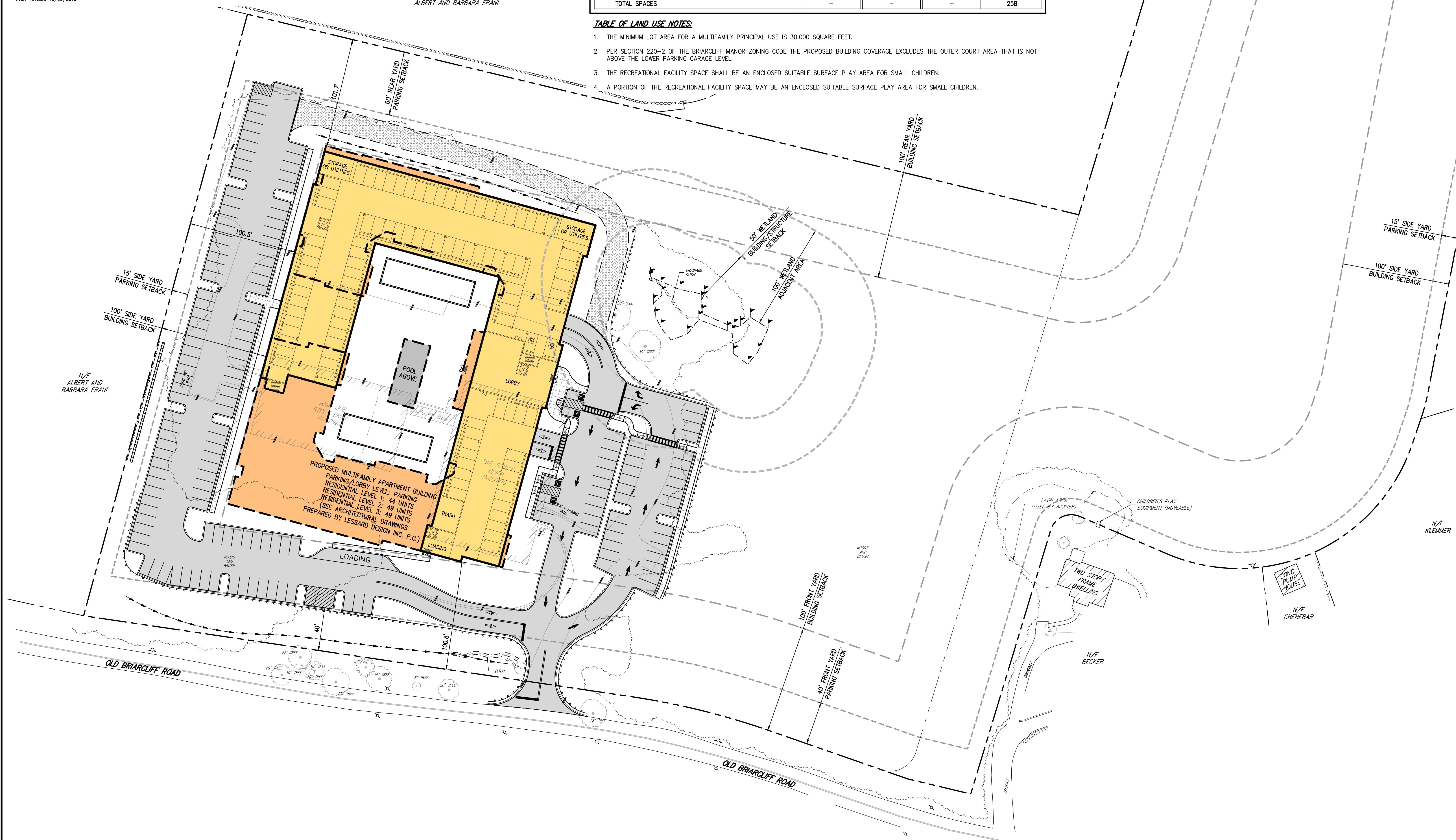
## TABLE OF LAND U

**TAX LOT ID: 98.05-1-9 & 98.17-1-4  
PROPOSED USE: MULTIFAMILY APARTMENT**

DESCRIPTION	EXISTING B DISTRICT PLANNED OFFICE BUILDING AND LABORATORY	EXISTING ADJACENT R30M DISTRICT MULTIFAMILY RESIDENCE DISTRICT	PROPOSED B DISTRICT MULTIFAMILY RESIDENCE SPECIAL PERMIT REQUIREMENTS	PROPOSED / PROVIDED
MINIMUM LOT AREA (S.F.)	400,000	5,000 <sup>(1)</sup>	400,000	710,675
MINIMUM LOT AREA PER DWELLING UNIT (S.F.)	N/A	5,000	5,000	5,005 (142 UNITS)
MINIMUM LOT WIDTH AT FRONT YARD SETBACK (FEET)	100	150	100	844
MAXIMUM BUILDING COVERAGE (%)	10.0	15.0	10.0	9.2 <sup>(2)</sup>
PRINCIPAL BUILDING SETBACKS (FEET)				
FRONT YARD	100	40	100	100
ONE SIDE YARD	100	30	100	100
TWO SIDE YARDS COMBINED	200	60	200	577
REAR YARD	100	60	100	101
MAXIMUM PRINCIPAL BUILDING HEIGHT (STORIES / FEET)	- / 60	2.5 / 35	- / 60	- / 38.5
MINIMUM AVERAGE LIVABLE FLOOR AREA (S.F. PER DWELLING UNIT)	750	750	750	1,084
MINIMUM RECREATIONAL FACILITY SPACE PER DWELLING UNIT (S.F.)	N/A	200 <sup>(3)</sup>	200 <sup>(4)</sup>	200 (28,400 S.F.)
PARKING SETBACKS (FEET)				
FRONT YARD	100	40	40	40
SIDE YARD	50	15	15	15
REAR YARD	50	60	60	60
MULTIFAMILY DWELLINGS REQUIRED PARKING				
1.3 SPACES FOR EACH ONE-ROOM UNIT (STUDIO APARTMENT)	-	-	-	0 (0 UNITS)
1.5 SPACES FOR EACH TWO-ROOM UNIT (1 BEDROOM)	-	-	-	78 (52 UNITS)
2.0 SPACES FOR EACH THREE-ROOM UNIT (2 BEDROOM)	-	-	-	180 (90 UNITS)
TOTAL SPACES	-	-	-	258

## TABLE OF LAND USE NOTE

1. THE MINIMUM LOT AREA FOR A MULTIFAMILY PRINCIPAL USE IS 30,000 SQUARE FEET.
  2. PER SECTION 220-2 OF THE BRIARCLIFF MANOR ZONING CODE THE PROPOSED BUILDING COVERAGE EXCLUDES THE OUTER COURT AREA THAT IS ABOVE THE LOWER PARKING GARAGE LEVEL.
  3. THE RECREATIONAL FACILITY SPACE SHALL BE AN ENCLOSED SUITABLE SURFACE PLAY AREA FOR SMALL CHILDREN.
  4. A PORTION OF THE RECREATIONAL FACILITY SPACE MAY BE AN ENCLOSED SUITABLE SURFACE PLAY AREA FOR SMALL CHILDREN.



ANY ALTERATION OF PLANS,  
SPECIFICATIONS, PLATS AND  
REPORTS BEARING THE SEAL  
OF A LICENSED PROFESSIONAL  
ENGINEER OR LICENSED LAND  
SURVEYOR IS A VIOLATION OF  
SECTION 7209 OF THE NEW  
YORK STATE EDUCATION LAW,  
EXCEPT AS PROVIDED FOR BY  
SECTION 7209, SUBSECTION 2.

ALE

0 160

Drawn: **KRM** Approved: **[Signature]**  
Scale: **1" = 40'**  
Date: **10/05/2018**  
Project No: **15245**  
15245-LAYOUT **LAY-OVERALL** **1\_LA**  
Drawing No: **C-100**

CANOE BROOK  
EISENOWER PARKWAY, SUITE 180  
ROSELAND, NJ 07068

---

ESSARD DESIGN INC. P.C.  
521 LEESBURG BIKE SUITE 700

**Landscaping, Engineering, Land Surveying, PLLC**  
**Development Consultants, Inc.**  
Meyer Consulting, Inc.  
D ROAD • ARMONK, NY 10504  
73.5225 • fax 914.273.2110

# PRELIMINARY OVERALL LAYOUT PLAN

## RESIDENTIAL DEVELOPMENT 320 OLD BRIARCLIFF ROAD

GRAPHIC SCALE

0 20 40 80

( IN FEET )

1 inch = 40 ft.

C-100

© 2018 by JMC. All Rights Reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by means, electronic, mechanical, or otherwise, without the prior written permission of JMC. JMC is a registered trademark of JMC, Inc.

Architectural Site Plan for a proposed multifamily apartment building in Briarcliff Manor, NY.

**Key Features and Labels:**

- Proposed Building:** The main building is a **PROPOSED MULTIFAMILY APARTMENT BUILDING** with **RESIDENTIAL LEVEL 1: 44 UNITS**, **RESIDENTIAL LEVEL 2: 49 UNITS**, and **RESIDENTIAL LEVEL 3: 49 UNITS**. It includes **POOL ABOVE**, **PROPOSED OUTER COURT ABOVE**, **PROPOSED BUILDING ABOVE (TYPICAL)**, **PROPOSED BUILDING ABOVE (ACCOMODATE OUTER COURT FROM PARKING AREA)**, **PROPOSED DOOR TO OUTER COURT**, **POOL ABOVE**, **LOBBY**, **HIGH ONE STORY BRICK BUILDING**, **HIGH ONE STORY BRICK BUILDING**, **TRASH**, **LOADING**, and **PROPOSED SWALE (TYPICAL)**.
- Parking:** The site includes **60' REAR YARD PARKING SETBACK**, **100' REAR YARD BUILDING SETBACK**, **100' SIDE YARD PARKING SETBACK**, **100' SIDE YARD BUILDING SETBACK**, **100' FRONT YARD PARKING SETBACK**, and **40' FRONT YARD BUILDING SETBACK**.
- Wetland:** A **WETLAND AREA** is located to the east of the building, with **50' WETLAND BUILDING SETBACK**.
- Utilities:** **STORAGE OR UTILITIES** are located on the building footprint.
- Access:** **PROPOSED CORRUGATED STEEL GUIDE RAIL (TYPICAL)** is shown along the building's perimeter.
- Surroundings:** The plan shows **OLD BRIARCLIFF ROAD**, **PROPOSED RETAINING WALL (DESIGN BY OTHERS)**, **PROPOSED 4 FOOT HIGH CHAIN LINK SAFETY FENCE**, and **HOSES AND BRUSH**.
- Notes:** **PROPOSED CORRUGATED STEEL GUIDE RAIL (TYPICAL)** is also noted near the bottom of the plan.
- Architect:** **ALBERT AND BARBARA ERANI**
- Location:** **VILLAGE OF BRIARCLIFF MANOR**, NY

ANY ALTERATION OF PLANS,  
SPECIFICATIONS, PLATS AND  
REPORTS BEARING THE SEAL  
OF A LICENSED PROFESSIONAL  
ENGINEER OR LICENSED LAND  
SURVEYOR IS A VIOLATION OF  
SECTION 7209 OF THE NEW  
YORK STATE EDUCATION LAW,  
EXCEPT AS PROVIDED FOR BY  
THE NEW YORK STATE BOARD OF  
PROFESSIONAL ENGINEERS AND  
LAND SURVEYORS.

ALE

0 120

15245

Draw

Scal

Date

Proj

C-101

LEGEND				
Symbol	Description	Revision	Date	By
-----	EXISTING PROPERTY LINE			
-----	ADJACENT PROPERTY LINE			
-----	BUILDING SETBACK LINE			
-----	PARKING SETBACK LINE			
WLF-63      WLF-64      WLF-65	EXISTING WETLAND LINE AND DELINEATION			
	EXISTING BUILDING LINE			
=====	EXISTING PAVEMENT EDGE			
=====	EXISTING CURB LINE			
=====	EXISTING STONE WALL			
=====	EXISTING RETAINING WALL			
-x-x-x-x-	EXISTING FENCE			
710 M	EXISTING TREE AND DESIGNATION			
~~~~~	EXISTING TREE LINE			
=====	EXISTING PAINT			
○	EXISTING UTILITY POLE			
=====	PROPOSED BUILDING LINE (PARKING/LOBBY LEVEL)			
=====	PROPOSED BUILDING LINE (ABOVE)			
=====	PROPOSED CONCRETE CURB			
=====	PROPOSED FLUSH CONCRETE CURB			
=====	PROPOSED MOUNTABLE CONCRETE CURB			
~~~~~	PROPOSED DROP CURB & RAMP			
-----	PROPOSED SAWCUT LINE			
2H	PROPOSED ACCESSIBLE PARKING SPACES WITH NUMBER OF SPACES INDICATED (REFER TO STRIPING DETAILS)			
5	PROPOSED PARKING SPACES WITH NUMBER OF SPACES INDICATED (REFER TO STRIPING DETAILS)			
=====	PROPOSED CONCRETE SIDEWALK			
=====	PROPOSED MONOLITHIC CONCRETE SIDEWALK & CURB			
=====	PROPOSED DROP CURB AND RAMP			
=====	PROPOSED SITE PAVEMENT			
=====	PROPOSED GRASSCRETE			
=====	PROPOSED RETAINING WALL (DESIGN BY OTHERS)			
-x-x-x-x-	PROPOSED FENCE			
Y	PROPOSED 2-4" WIDE YELLOW LINES 8"O.C.			
W	PROPOSED 1-4" WIDE WHITE LINE			
=====	PROPOSED 24" WIDE WHITE STOP LINE			
→ →	PROPOSED ARROW MARKING ON PAVEMENT (DET XX)			
Ⓐ	TRAFFIC SIGN LOCATION & DESIGNATION			
=====	PEDESTRIAN CROSSING			
=====	PROPOSED TREE LINE			
=====	EXISTING FEATURE TO BE REMOVED			
JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC				
JMC Site Development Consultants, LLC				
John Meyer Consulting, Inc.				
120 BEDFORD ROAD • ARMONK, NY 10504				
voice 914.273.5225 • fax 914.273.2102				



# PRELIMINARY LAYOUT PLAN

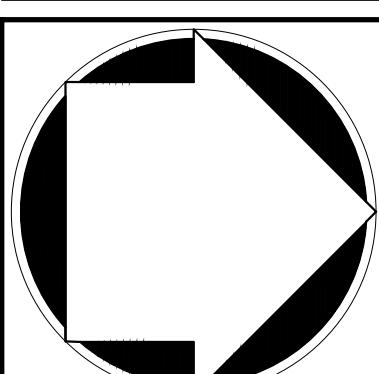
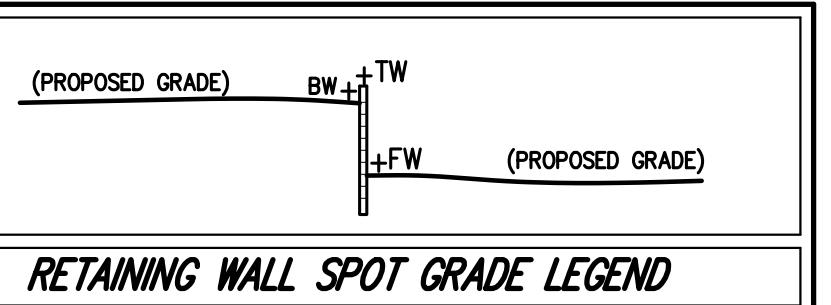
# RESIDENTIAL DEVELOPMENT

320 OLD BRIARCLIFF ROAD



LEGEND	
EXISTING PROPERTY LINE	By
ADJACENT PROPERTY LINE	Date
EXISTING WETLAND LINE AND DELINEATION	
EXISTING BUILDING LINE	
EXISTING PAVEMENT EDGE	
EXISTING CURB LINE	
EXISTING CONTOUR	
EXISTING INDEX CONTOUR	
EXISTING STONE WALL	
EXISTING RETAINING WALL	
EXISTING FENCE	
EXISTING DRAIN INLET	
EXISTING MANHOLE	
EXISTING UTILITY POLE	
PROPOSED BUILDING LINE (PARKING/LOBBY LEVEL)	
PROPOSED BUILDING LINE (ABOVE)	
PROPOSED CONCRETE CURB	
PROPOSED CONCRETE SIDEWALK	
PROPOSED DROP CURB AND RAMP	
PROPOSED FINISHED GRADE	
PROPOSED SPOT GRADE	
PROPOSED SANITARY SEWER MANHOLE	
PROPOSED STORM DRAIN MANHOLE	
PROPOSED TYPE CI DRAIN INLET	
PROPOSED TYPE DI DRAIN INLET	
PROPOSED HYDRANT	
PROPOSED RETAINING WALL (DESIGN BY OTHERS)	
BORING LOCATION AND DESIGNATION	
PROPOSED DITCH OR SWALE	
EXISTING FEATURE TO BE REMOVED	

- NOTES:
- EXISTING CONDITIONS DEPICTED ON THIS PLAN HAVE BEEN TAKEN FROM SURVEY TITLED, "SURVEY OF PROPERTY," PREPARED BY LUNK LAND SURVEYORS P.C., REVISED 10/03/2016.
  - GEOTECHNICAL BORING/TEST PIT LOCATIONS DEPICTED ON THIS PLAN WERE TAKEN FROM THE GEOTECHNICAL REPORT ENTITLED, "REPORT ON SUBSURFACE SOIL AND FOUNDATION INVESTIGATION," DATED 10/21/2016, PREPARED BY CARLIN SIMPSON & ASSOCIATES.
  - ALL STORMWATER MANAGEMENT PRACTICES SHALL REMAIN UNDISTURBED AND BE PROTECTED FROM HEAVY MACHINERY TRAFFIC DURING CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN AND AVOID HEAVY MACHINERY TRAFFIC TO THE MAXIMUM EXTENT PRACTICABLE. THERE SHALL BE NO STORAGE OF MATERIALS WITHIN AREAS TO BE USED FOR STORMWATER MANAGEMENT PRACTICES. THE CONTRACTOR SHALL INSTALL CONSTRUCTION FENCE AROUND THE PRACTICE TO DISCHARGE VEHICLE TRAFFIC.



**PRELIMINARY  
GRADING PLAN**  
RESIDENTIAL DEVELOPMENT  
320 OLD BRIARCLIFF ROAD  
VILLAGE OF BRIARCLIFF MANOR, NEW YORK

ANY ALTERATION OF PLANS,  
SPECIFICATIONS, PLATS AND  
REPORTS BEARING THE SEAL  
OF A LICENSED LAND SURVEYOR  
OR A GEOTECHNICAL ENGINEER OR LICENSED LAND  
SURVEYOR IS A VIOLATION OF  
SECTION 7209 OF THE NEW  
YORK STATE EDUCATION LAW,  
EXCEPT AS PROVIDED FOR BY  
SECTION 209, SUBSECTION 2.

Drawn: KRM Approved: RJP  
Scale: 1" = 30'  
Date: 10/05/2018  
Project No: 15245  
Drawing No: 15245-GRADING-BLMP\_Z\_GRAD.dwg  
Drawing: GRADING-BLMP\_Z\_GRAD.dwg

C-201

# EXHIBIT “E”

LOCAL LAW TO AMEND CHAPTER 220  
OF THE CODE OF THE VILLAGE OF  
BRIARCLIFF MANOR WITH RESPECT TO  
SPECIAL PERMIT USES IN THE PLANNED  
OFFICE BUILDING AND LABORATORY B  
DISTRICT AND THE BUSINESS  
TRANSITIONAL BT DISTRICT

**Be it enacted by the Board of Trustees of the Village of Briarcliff Manor, as follows:**

**Section 1.** Legislative Purpose. The Board of Trustees of the Village of Briarcliff Manor, Westchester County, New York has determined that in accordance with recent amendments to the Village's Comprehensive Plan, that it is appropriate to the orderly social and economic development of the Village to permit single-family residential and multi-family residential as special permit uses in the Planned Office Building and Laboratory B District and the Business Transitional BT District in accordance with suitable standards and requirements to recognize the current and anticipated office market conditions and accordingly allow for a greater variety of uses and an appropriate level of flexibility with regard to area, bulk and dimensional standards based on site-specific conditions, such as location, access and environmental features.

**Section 2.** Section 220-6.M of the Code of the Village of Briarcliff Manor is hereby amended by adding new subsections (2) and (3) thereto to read as follows:

“(2) Single-family dwellings for only one housekeeping unit. Within the B and BT zoning districts, the Village Board may grant a special permit for construction and operation of single-family dwellings for only one housekeeping unit, subject to the following standards and requirements set forth below:

- (a) The subject property is adjacent to a zoning district which allows single-family dwellings as a permitted principal use.
- (b) For purposes of this Section 220-6.M.(2), single-family dwellings are defined as attached, detached or semi-attached/detached single family structures, with only one housekeeping unit per dwelling, including attached townhouses owned as part of condominium or homeowners association.
- (c) The permitted density on the subject property for single-family dwellings shall be calculated based upon the highest residential density of any zoning district which is adjacent to the site, not including any multifamily use, which shall be applied to the total area of the site (the “Base Density”).
- (d) The following four potential density bonuses may be applied for by an applicant, but only granted at the discretion of the Board of Trustees:

- [1] Cluster/Open Space Bonus. There are two requirements for this bonus. First, except as otherwise provided herein, the development must meet the standards of Section 220-7 Conservation Development. The second requirement is that at least 15% of the undeveloped land area be preserved and open to the public and provide a public passive or active recreation amenity that, in the opinion of the Board of Trustees, provides a valuable public recreation/open space amenity. The allowable density bonus is 15% over the Base Density.
  - [2] Age Restricted. This is a development that only contains units designed for and specifically limited in their occupancy to persons aged 55 or older, but not excluding spouses under 55, and children and grandchildren over the age of 19 and adults under 55 if their presence is essential for the physical care or economic support of eligible older persons. The only exception to this requirement is that one unit may be reserved for occupancy by building maintenance. The allowable density bonus is 25% over the Base Density.
  - [3] Below Market Rate Housing. This bonus can be granted for the provision of Below Market Rate Housing, which shall mean either affordable housing, as defined in Section 220-2 or moderate income housing as defined in Section 220-10(E)(2)(a). The bonus may be granted if at least 10% of the proposed units of the development are Below Market Rate as defined above. At least 50% of the Below Market Rate bonus units must be affordable units. The allowable density bonus is 20% over the Base Density or one market rate unit for each Below Market Rate Housing unit provided. By way of example, if the Below Market Rate density bonus results in 20 units then 10 of those units must be below market rate housing and, of those 10 at least 5 must be affordable as defined in section 220-2.
  - [4] Sustainable Design. This bonus would be applied where the Board of Trustees, in its absolute discretion, determines that a development incorporates environmentally sensitive design elements which provide valuable environmental benefits, including, but not limited to, elements that are above and beyond then current ordinary or typical sustainable design standards for similar single-family dwellings. The allowable density bonus is 15% over Base Density.
- (e) All area and bulk standards of the B and BT zoning districts respectively, shall apply.
- (f) Clustering/Conservation Development.
- [1] It is to the benefit of all, wherever practicable, to promote the conservation of remaining open space, preserve environmentally sensitive areas in their

natural state and preserve the existing aesthetic qualities of the B and BT zoning district properties. Clustering or conservation development of units in single-family residential developments within the B and BT zoning districts shall be required to protect Village natural resources, wherever possible.

- [2] The number of building lots or dwelling units permitted within a conservation development shall in no case exceed the number equal to Base Density in accordance with section (2)(c) above, plus the maximum aggregate density bonuses set forth in section (2)(d)(1-4). Where a conservation development representing the cumulative density as derived from the Base Density, plus the aggregate of density bonuses determined to be applicable and appropriate, plus all units allowed on any land in an adjacent zone, the actual construction of the total units may take place in all or any portion of one or more of such districts.
  - [3] Except as otherwise provided herein, all other requirements for conservation developments as outlined in Zoning Code Section 220-7 shall apply to single-family residential developments within the B and BT zoning districts, provided, however, that the review of such developments shall be under the purview of the Board of Trustees not the Planning Board, and the Board of Trustees may waive, when reasonable, any of the requirements of Section 220-7 in the event that any such requirements are found not to be necessary to protect Village natural resources, or are found to be inappropriate to a particular site plan.
- (3) Multifamily residence. Within the B and BT zoning districts, the Village Board may grant a special permit for construction and operation of one or more structures containing two or more dwellings for multifamily occupancy, subject to the following standards and requirements set forth below:
- (a) The site is adjacent to an R30M zoning district which allows multi-family residential use, or the site has frontage on, or principal access to a roadway under state or county jurisdiction.
  - (b) The site is 30,000 square feet or more.
  - (c) There shall be on the same site an outdoor enclosed, suitable surface play area for small children having an area of not less than 200 square feet for each dwelling unit therein.
  - (d) The permitted density of structures for multifamily residence shall be calculated based upon the highest residential density of any zoning district which is adjacent to the site, including the R30M zoning district, which shall be applied to the total area of the site.

- (e) All area and bulk standards of the B and BT zoning districts respectively, shall apply except that the maximum allowable height for multifamily residential use shall be four (4) stories or 45 feet.
- (g) The following potential density bonuses may be applied for by an applicant, but only granted at the discretion of the Board of Trustees:
  - [1] Age Restricted. This is a development that only contains units designed for and specifically limited in their occupancy to persons aged 55 or older, but not excluding spouses under 55, and children and grandchildren over the age of 19 and adults under 55 if their presence is essential for the physical care or economic support of eligible older persons. The only exception to this requirement is that one unit may be reserved for occupancy by building maintenance. The allowable density bonus is 25%.
  - [2] Below Market Rate Housing. This bonus can be granted for the provision of Below Market Rate Housing, which shall mean either affordable housing, as defined in Section 220-2 or moderate income housing as defined in Section 220-10(E)(2)(a). The bonus may be granted if at least 10% of the proposed units of the development are Below Market Rate Housing as defined above. At least 50% of the Below Market Rate bonus units must be affordable units. The allowable density bonus is 20% over the Base Density or one market rate unit for each Below Market Rate Housing unit provided. By way of example, if the Below Market Rate density bonus results in 20 units then 10 of those units must be below market rate housing and, of those 10 at least 5 must be affordable as defined in section 220-2.
  - [3] Sustainable Design. This bonus would be applied where the Board of Trustees, in its absolute discretion, determines that a development incorporates environmentally sensitive design elements which provide valuable environmental benefits, including, but not limited to, elements that are above and beyond then current ordinary or typical sustainable design standards for similar multi-family residences. The allowable density bonus is 15% over Base Density.

**Section 3.** Section 220-6.B of the Code is hereby amended by adding “and Subsection M” after “Subsection L”

**Section 4.** The invalidity of any word, section, clause, paragraph sentence, part, or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such invalid part or parts.

**Section 5.** This Local Law shall take effect immediately upon filing in the Office of the Secretary of State.

Draft

# EXHIBIT “F”

## TABLE C

### ALTERNATIVE DEVELOPMENT COMPARISON<sup>(1)</sup>

LAND USE	PEAK WEEKDAY AM HOUR			PEAK WEEKDAY PM HOUR		
	ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
a. Proposed 142 Apartments (ITE Code 220) <sup>(2)</sup>	13	38	51	38	24	62
b. Existing 60,000 s.f. General Office (ITE Code 710) <sup>(3)</sup>	71	12	83	11	59	70
c. Net Difference with Proposed Apartments (Row c = Row a - Row b)	(58)	26	(32)	27	(35)	(8)
d. As-of-Right 284,000 s.f. Office (ITE Code 710) <sup>(3)</sup>	252	41	293	49	258	307
e. Net Difference with Proposed Apartments (Row e = Row a - Row d)	(239)	(3)	(242)	(11)	(234)	(245)

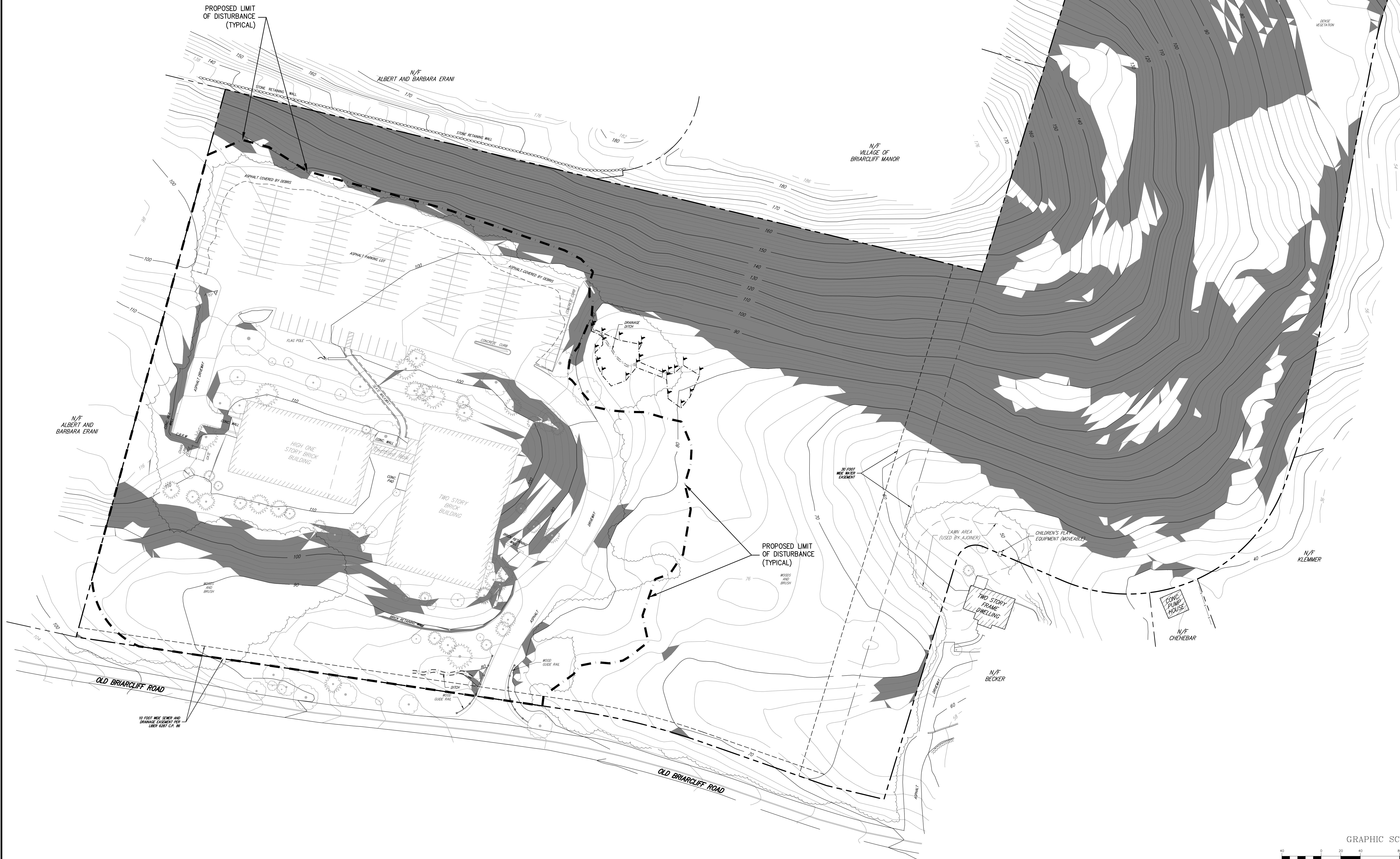
Notes:

- (1) The projected traffic is based on ITE (Institute of Transportation Engineers) Trip Generation Manual, 10th Edition.
- (2) General Offfce Building (ITE Code 710) is defined by ITE as a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted.
- (3) Multifamily Housing (Mid-Rise) (ITE Code 221) is defined by ITE as multifamily housing including apartments, townhouses, and condominiums located within the same building with at lease three other dwelling units and that have between three and ten levels.

# EXHIBIT “G”

## SLOPE ANALYSIS LEGEND

COLOR	RANGE	S.F.	ACRES	%	DISTURBED AREA (S.F.)
□	0–25	456,498	10.48	64.2	216,120
■	25–99.99	254,177	5.84	35.8	29,686
<b>TOTALS:</b>		<b>710,675</b>	<b>16.31</b>	<b>100</b>	<b>245,806</b>



NY ALTERATION OF PLANS,  
PECIFICATIONS, PLATS AND  
EPORTS BEARING THE SEAL  
A LICENSED PROFESSIONAL  
GINEER OR LICENSED LAND  
RVEYOR IS A VIOLATION OF  
SECTION 7209 OF THE NEW  
ORK STATE EDUCATION LAW,  
CEPT AS PROVIDED FOR BY  
CTION 7209, SUBSECTION 2.

160

No: 2-020

GRAPHIC SCALE

0      20      40      80

( IN FEET )

1 inch = 40 ft.

-020