

**To:** Mayor Steven Vescio and the Village of Briarcliff Manor Board of Trustees

**From:** Sarah K. Yackel, AICP, Principal

**Subject:** 235 Elm Road Downtown Adjacent Planned Unit Development (PUD) Zoning Amendment and Preliminary PUD Review

**Date:** October 31, 2025

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As requested, we have reviewed the application of Rose Enterprises Group (the "Applicant"), the contract vendee of the property located at 235 Elm Road (Section 98.19, Block 2, Lot 11 – the "Project Site"), for a zoning text and map amendment to allow the creation and mapping of a new Downtown Adjacent Planned Unit Development (DA-PUD) district and preliminary approval of a DA-PUD on the Project Site. The Applicant is proposing to demolish the ten existing former Pace University buildings and construct 110 townhomes and 5 single-family homes along Tuttle Road, resident amenities (clubhouse and pool), a walking trail, and open space. The 37-acre Project Site is currently located within the Village's R40B District and is served by municipal water and sewer.

The project requires the adoption of the DA-PUD district, the application of the district to the Project Site, and approval of a DA-PUD Concept Plan. Subdivision approval for the 5 Tuttle Road lots is also required and per the proposed DA-PUD district regulations, the Village Board of Trustees retains subdivision approval authority, when combined with PUD approval. Further, the project will also require steep slope and wetland permits from the Board of Trustees.

In support of its application, the Applicant has submitted the following information to the Planning Board:

1. Cover letter prepared by David S. Steinmetz of Zarin & Steinmetz, LLP dated October 14, 2025;
2. Zoning Petition prepared by David S. Steinmetz of Zarin & Steinmetz, LLP dated October 14, 2025;
3. Preliminary Site Plan Set prepared by JMP Planning, Engineering, Landscape Architecture & Land Surveying, PPLC (JMC), dated October 14, 2025;
4. Stormwater Pollution Prevention Plan (SWPPP) prepared by JMC, dated October 10, 2025;
5. Mobility Summary and Trip Generation Analysis Letter prepared by JMC, dated October 14, 2025;
6. Architectural Elevations prepared by Sullivan Architecture, P.C. dated October 14, 2025;
7. Affidavit of Ownership
8. Full Environmental Assessment Form (EAF), Part 1, prepared by JMC dated October 14, 2025;
9. Analysis of Potential Impacts to Municipal Services, prepared by JMC dated October 14, 2025; and
10. Site Layout Rendering, prepared by JMC dated October 14, 2025.

### Review Comments

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1. Zoning. The Applicant submitted a zoning petition requesting the establishment of a DA-PUD District for the Project Site consistent with the proposed DA-PUD zoning regulations drafted by the Village. In future submissions, we request that the Applicant include the draft DA-PUD zoning district regulations as an attachment to the Zoning Petition and the draft regulations should be sent to Westchester County as part of 239-m review, if they were not included in the referral package.

The Applicant is seeking the application of the DA-PUD regulations to the Project Site; the Project Site conforms to the locational criteria contained in the draft law with respect to frontage requirements, lot size, pedestrian access, and no parkland or conservation easement encumbrances on the property. Additionally, the project as proposed complies with the use, maximum height, maximum impervious surface coverage, and open space requirements of the new district.

The DA-PUD district regulations include a list of application requirements, and the Applicant has submitted required materials for preliminary planned unit development approval, however, additional information or detail is required as follows:

- “Full environmental assessment form, part 1.” – *See comments on SEQR below.*
- “Sample elevations and details of all proposed dwelling units, commercial buildings, fencing and screening walls, recreational improvements; street furniture and dumpster areas; all proposed signage and entrance treatments (to scale, with dimension callouts and proposed materials); and details of all proposed landscaping and lighting.” – *Additional architectural details should be submitted to the Board of Trustees in conformance with the district requirements.*
- “A traffic impact analysis to indicate the trip generations from the project and any potential impacts that may occur on the surrounding road network. The analysis should discuss any possible mitigation measures that may be required. The traffic analysis should also demonstrate that adequate onsite parking shall be provided and shall be in general conformance with the parking regulations provided for in other sections of the village code, unless changes are warranted by the particular characteristics of the proposed planned unit development plan. Adequate additional onsite parking space for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses shall be demonstrated. This analysis shall also include a discussion of any pedestrian and bicycle improvements proposed and linkages to the Village’s downtown. Upon review of the impact analysis, the Village Board of Trustees may require that a traffic impact study be performed with the scope of the

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report to be determined by the Village Board of Trustees and its engineering consultant." - *The Applicant prepared a Mobility Summary and Trip Generation Analysis but it does not include an analysis/discussion of all of the required elements outlined above. Further, the traffic analysis uses full occupancy of the Pace campus as the baseline condition. The traffic analysis should also include an analysis of the proposed project against the existing condition (vacant site), since the Project Site has been vacant for more than 10 years and additional development, such as the Club at Briarcliff Manor, has occurred in the area in the intervening years. See additional technical comments from LaBella.*

- Gross floor area of each building must be provided.
- "Proposed front, side, and rear yard setbacks, and building heights." – *Additional detail should be provided.*
- Design requirements including requirements for streets, alleys, streetscape, public open space, setbacks, build-to lines, access points, parking and buffering. – *Additional detail should be provided.*
- "A stormwater management analysis, consistent with Chapter 186..." – *See comments from LaBella.*
- "Design requirements including requirements for streets, alleys, streetscape, public open space, setbacks, build-to lines, access points, parking and buffering." – *Additional technical detail on the design of streets, streetscape, public open space, landscaping, and buffering is required.*
- Site coverage statistics (building coverage, paved areas, green area, by percentage of site and square footage). – *Additional detail should be provided.*
- "Anticipated impact on services (quantify and discuss impacts): traffic, sewer, water, solid waste, police, fire, EMS, and school district." – *see detailed comments below.*
- "A schedule for the completion of buildings, public and private facilities, and site improvements." – *The submission indicates an 18-24 month timeframe for construction, but additional detail related to staging and timing of the various project elements is needed. The proposed timing of public open space, trails, development amenities, roads, and infrastructure, etc. is needed. Will the 5 single-family lots be constructed at the same time as the townhomes?*

Additionally, several minor text edits are proposed to the draft DA-PUD regulations to clarify the Board of Trustees review authority of steep slope and wetland permits, and the timing of decision making. See attached redlined DA-PUD regulations.

2. Steep Slopes and Wetlands. See review comments from LaBella.
3. Site Plan. Per the proposed DA-PUD regulations, where all or part of a planned unit development would

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otherwise require site plan approval, the final planned unit development plan shall serve as the site plan to be prepared in conformance with Chapter 220-14B.(1) – (13), and no further compliance with the village site plan regulations is required. More detailed plans, prepared in accordance with Chapter 220-14B.(1) – (13) must be submitted by the Applicant following approval of the Preliminary PUD plan. Authority for review of the project under the site plan regulations is with the Board of Trustees for PUD projects.

4. Trees (Chapter 202). Village Code §202-3B.(2) states that “any property owner applying for subdivision or site plan approval, whose plans would require the removal of any trees on said property, shall submit a tree protection plan to the Village Planning Board. Any property owner applying for special permit approval, whose plans would require the removal of any trees on said property, shall submit a tree protection plan to the Village Board of Trustees.” We recommend that the text be amended to include “any property owner or contract vendee applying for a special permit or planned unit development, shall submit a tree protection plan to the Village Board of Trustees” to ensure compliance with the Village’s tree ordinance. If the Board agrees, the Applicant should submit a standalone Tree Protection Plan which identifies the trees to be removed and/or planted and that sets forth measures to protect trees before, during and after construction in accordance with Village Code §202.
5. SEQR. The Proposed Action is classified as an Unlisted Action under SEQR; however, the draft DA-PUD regulations require preparation of a Full Environmental Assessment Form (EAF). Accordingly, the Applicant submitted a Full EAF. The Board of Trustees at the October 22<sup>nd</sup> meeting declared its intent to be lead agency for the SEQR process and circulated the Full EAF to all of the SEQR Involved Agencies. We reviewed the Full EAF October 14, 2025, along with the Municipal Services Analysis and offer the following comments:
  - General comment – while the Full EAF Part 1 has already been circulated, we request that the Applicant provide an updated Part 1 addressing the following deficiencies for the record.
  - A. Project Description – the EAF should be revised to include adoption of the DA-PUD District as a component of the Proposed Action.
  - A. Property Owner – Please include the name and contact info of the Property Owner.
  - B. Government Approvals – add the following required approvals:
    - i. Village Board – Adoption of DA-PUD District; mapping of DA-PUD District on the 235 Elm Rd site.
    - ii. Planning Board – referral and advisory recommendation of Preliminary PUD Plan.

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- iii. Other Local Agencies – Briarcliff Manor Architectural Review Advisory Committee (ARAC) – referral and advisory recommendations.
- iv. State Agencies – SHPO Consultation.
- C.1. Planning and zoning actions – this question should be answered ‘No’, since the zoning amendment is not the only required approval needed for the project.
- C.3.b. Permitted use – this question should be answered ‘No’.
- C.3.c. Zoning change – this question should be answered ‘Yes’, a zone change is requested as part of the Proposed Action.
- D.1.f. New residential units – the Proposed Action includes 115 new residential units, not 110. Please update.
- D.1.g. – Construction - this question only applies to nonresidential construction, the Applicant should update the response accordingly.
- D.2.b. Wetlands - this question is correctly answered ‘Yes’ but the Applicant should provide responses to the subsequent questions in this section.
- D.2.c. and d. Water/Wastewater – the Applicant should provide answers to all questions in these sections.
- D.2.f. Disturbance - this question should be answered ‘Yes’, and the Applicant should add vehicle and delivery trips to *i*. Mobile sources during project operations, and HVAC to *iii*. Stationary sources during operations.
- D.2.j. Traffic – the Applicant should reference the traffic analysis in this response.
- D.2.k. Energy – this question should be answered ‘No’.
- D.2.q. Pesticides – The Applicant should provide an answer to the questions in this section.
- D.2.s. Solid Waste Facility - this question should be answered ‘No’ since the project is not an industrial or commercial project.
- E.2.h. Wetlands - this question should be answered ‘Yes’, since there is a Village-related wetland located on the site.
- E.3.e. Historic Resources – the Applicant should provide a response to this question and provide any correspondence from the New York State Historic Preservation Office (SHPO) to the Village Board.
- E.3.g. Archaeological Resources – the Applicant should provide a response to this question and provide any correspondence from the New York State Historic Preservation Office (SHPO) to the Village Board.

The Applicant should prepare a revised EAF addressing all of the items noted above. Further, the Applicant

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provided a Municipal Services Impacts Analysis. We offer the following comments:

### **Municipal Services Impacts Analysis**

- General Comments:
  - i. The analysis only includes the 110 townhomes; the analysis should be revised to include the full scope of the project which includes 5 single-family homes for a total of 115 dwelling units.
  - ii. As noted under the traffic comments, the municipal services analysis uses full occupancy of the former Pace campus as the baseline condition. The analysis should also evaluate the proposed project relative to the existing condition (vacant site) or No Action condition. Under SEQR, the No Action condition represents the likely future state of the site if the project does not proceed and provides the baseline for assessing impacts. Given that the Project Site has been vacant for more than ten years and that reoccupation or redevelopment as a college campus or similar institutional use is no longer permitted by zoning, such a comparison, as the sole point of reference, is insufficient. In addition, since the Village has experienced other development in the intervening years (e.g., the Club at Briarcliff Manor) and service levels have evolved accordingly, it cannot be assumed that municipal capacity remains unchanged from a decade ago. The Applicant should therefore conduct additional analysis of service levels and consult with relevant service providers to confirm their current capacity to accommodate the proposed project.
- Estimated Population Projection – Based on U.S. Census Bureau, ACS 2019-2023 5 Year Estimates, more than 84% of the housing units in Briarcliff Manor contain two or more bedrooms, of those more than half consist of units with 4 or more bedrooms. Therefore, a better methodology for determining the estimated population from the proposed development would be to take the average household size in Briarcliff Manor of 2.64 persons per household, rather than use the 2018 Rutgers multipliers. Household size in Briarcliff Manor has declined significantly over the past ten years and the Rutgers multipliers are not in line with observed local population trends.
- School Children Analysis –
  - i. Multipliers – Consistent with the analysis contained in the Downtown Adjacent Zoning Study, the analysis uses ACS and PUMS data for Westchester County to arrive at multipliers for determining the public school age population; however, the analysis uses the wrong set of multipliers. Multipliers for single-family detached units (0.15 for two-bedroom units and

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0.82 for 3+ bedroom units) were used for the townhomes (single-family attached), rather than the townhome multipliers used in the Zoning Study (0.0 for two-bedroom and 0.26 for 3+ bedroom). The analysis significantly overestimates the number of projected school children and should be recalculated using the correct numbers – 5 single-family detached and 110 single-family attached.

- ii. The analysis should include both historical and projected school enrollment data. The Downtown Adjacent Zoning Study documents a loss of more than 200 students from the Briarcliff Manor School District over the past decade. While the 235 Elm Road project may reference this prior analysis, the relevant data should be incorporated directly into the current memorandum for completeness.
- iii. The Applicant should calculate the full cost to educate the generated public school children and demonstrate that projected tax revenues to the school district will exceed the estimated cost of educating the additional school-age children.
- Water Usage – See comments above on impact comparison methodology.
- Police Department / Fire Department / EMS Budget Summary – The Applicant should consult with each of the service providers to get their feedback on their ability to serve the project given additional demand for service from projects such as The Club at Briarcliff Manor, since the closure of the Pace campus. Additionally, the analysis should include a discussion of the Village tax revenues to be generated from the project and provide a determination as to whether the taxes to be generated will cover the cost of providing municipal services to the site.

We look forward to discussing our comments with you at the November 18<sup>th</sup> meeting.

cc: Josh Ringel, Village Manager  
Christine Dennett, Deputy Village Manager/Village Clerk  
Kevin Leddy, Village Engineer  
Josh Subin, Village Attorney  
Kyle Ahearn, LaBella

Enc: Revised Downtown Adjacent Planned Unit Development Regulations

## Chapter 220. Zoning

### § 220-21.C2 Downtown Adjacent Planned Unit Development Districts.

#### (1)A. Legislative Purpose

The Village of Briarcliff Manor hereby finds and determines that:

(a)1. When coordinated with the municipal comprehensive plan, planned unit development can be an effective tool for guiding development to locations proximate to the Village's downtown in ways that support community goals and priorities.

(2b) Planned unit development provides a means by which different land uses within an area covered by a single development plan may be combined to achieve compatibility among such uses. Unattainable with traditional municipal zoning techniques, planned unit development provides flexibility in the regulation of land use development in order to:

- [1] encourage innovation in land use variety and design, in the layout and type of new structures and in their integration with existing structures;
- [2] enhance efficiency in the use of land, natural resources, energy, community services and utilities;
- [3] encourage open space preservation and protection of natural resources, historic sites and structures;
- [4] facilitate the provision of housing and improved residential environments;
- [5] enhance the ability of municipalities to promote business and employment opportunities within the downtown; and
- [6] protect and enhance consistency with community character and support implementation of the Comprehensive Plan.

#### (2)B. Definitions

As used in this Chapter:

**Planned unit development** means a site upon which residential uses, consisting of a range of housing options, including single-family, duplex, triplex, fourplex, townhomes, and multifamily dwellings, or community facilities, may be authorized in a flexible manner so as to achieve the goals of the municipal comprehensive plan and to support revitalization of the Village's downtown.

**Planned unit development district** means an independent, freestanding zoning district, wherein the zoning regulations need not be uniform for each class or type of land use, but where the use of land shall be in accordance with a preliminary planned unit development plan approved by the legislative body.

**Preliminary planned unit development plan** (or Concept Plan) means a proposal for a planned unit development prepared in a manner prescribed by local regulation showing the layout of the proposed project including, but not limited to, maps, plans, or drawings relating to proposed land uses, approximate location and dimensions of buildings, all proposed facilities, including preliminary plans and profiles, at

suitable scale and in such detail as is required by local regulation; architectural features, lot sizes, setbacks, height limits, buffers, screening, open space areas, lighting, signage, landscaping, parking and loading, traffic circulation, protection of natural resources, public or private amenities, adjacent land uses and physical features, and such other elements as may be required by local regulation.

**Preliminary planned unit development plan approval** means the approval with conditions, if any, of the layout of a proposed planned unit development as set forth in a preliminary plan and the simultaneous amendment of the Zoning law by the Village Board of Trustees to create and map a planned unit development district encompassing the preliminary plan; subject to the approval of the plan in final form pursuant to the provisions of this chapter.

**Final planned unit development plan** means an approved final planned unit development plan prepared at such additional detail, in conformance with Chapter 220-14B.(1)-(13) and submitted to the Planning Board and showing information as is required by local regulation, and the modifications, if any, required by the Village Board of Trustees at the time of approval of the preliminary planned unit development plan, if such preliminary plan has been so approved.

**Final planned unit development plan approval** means the signing of a final plan by a duly authorized officer of the authorized board or body pursuant to a resolution granting final approval to the plan or after conditions, if any, specified in said resolution granting conditional approval of the plan as completed. Such final approval qualifies the plan for filing in the office of the clerk as provided herein.

### **(3)C. Authority**

In addition to any other powers and authority to plan and regulate by zoning, the Village of Briarcliff Manor hereby enacts requirements for the review of planned unit development plans and the establishment and simultaneous mapping of planned unit development districts pursuant to the provisions of this chapter.

### **(4)D. General Regulations**

**(a)1.** A Downtown Adjacent planned unit development district may be mapped on the Village's official zoning map by the adoption of a local law by the Village Board of Trustees, simultaneously with approval of a preliminary planned unit development plan (concept plan).

**(b)2.** In the planned unit development district, land and buildings may be used for any lawful purposes, as determined by the Village Board of Trustees in the course of its review of the applicable preliminary and final planned unit development plans, and subject to the limitations and procedures of this article. No building or structure shall be erected, nor shall any land, building, or structure be used in any planned unit development district until approval of a final planned unit development plan is issued by the Village Board of Trustees. No uses, buildings, or structures which deviate from the approved final planned unit development plan. Such deviation would require an amendment to the final planned unit development plan. The approval of a final planned unit development plan establishes the zoning regulations for the subject property, and building permits shall not be issued unless the building plans are in conformity with the final planned unit development plan.

**(c)3.** Unless waived or modified by the Village Board of Trustees during the review process, properties eligible to be mapped with a Downtown Adjacent planned unit development district shall meet the following locational criteria:

- [1] Has frontage within 0.75 miles of the CB1 district.
- [2] Be comprised of at least thirty (30) contiguous acres.
- [3] Have direct pedestrian access (i.e. existing sidewalk connection) to downtown Briarcliff Manor (CB1 district) to ensure that the potential development is walkable to local businesses and community facilities.
- [4] Parcels containing previously designated parkland or conservation easements are not eligible for inclusion in the planned unit development district.

**(d)4.** A Downtown Adjacent planned unit development district shall meet the following dimensional criteria:

- [1] All single-family (attached or detached) residential housing units shall have a maximum height limit of 35 feet, however, the Board of Trustees shall have the discretion to increase the height measurement to 45 feet based upon topographic conditions and grading.
- [2] All multifamily residential, community facility, or mixed-use buildings containing a combination thereof, shall have a maximum height of 45 feet.
- [3] A maximum impervious surface coverage of 45%, including all buildings, roads, sidewalks, driveways, paved walkways, and other impervious surfaces.

**(e)5.** One of the Village's primary goals in authorizing planned unit development is the preservation of open space. For residential development, a minimum of twenty (20) percent of the site shall be used as interconnected open space. Open space may include conservation areas, public plazas and parks, landscaped areas, public trailways and walkways, public recreation areas, and walkways. Parking areas, vehicle access facilities, and private recreation and yard areas shall not be considered in calculating open space.

**(f)6.** The applicant shall provide for and establish a perpetual organization for the ownership and maintenance of any common property in the planned unit development district, pursuant to the requirements of section 10. below. Such organization, which shall be established prior to any permits being issued, shall not dispose of any common property by sale or otherwise except to dedicate such property to the village for public use, but nothing in this code shall require such dedication nor require the village to accept any dedication of land. Where common ownership of common property is not provided, ownership by a perpetual organization shall not be required where the Board of Trustees deems that subdivided single-family lots may be harmoniously integrated into the adjoining zoning district(s).

**(g)7.** At the time of application, preliminary planned unit development plan approval, and final planned unit development plan approval, through the completion of construction of all improvements, ownership and/or control of the development shall be in the hands of one entity and/or its contract vendee, except that for each phase, if a project is done in phases, properties may be sold for completed phases, provided single control shall be maintained over each phase until the final planned unit development plan is approved and construction completed.

**(h)8.** *Compliance with the New York State Environmental Quality Review Act ("SEQRA").* During its review and prior to the approval of a preliminary planned unit development plan pursuant to this article, the Village Board of Trustees shall comply with the provisions of SEQRA. For purposes of undertaking the required SEQRA review, a Downtown Adjacent planned unit development shall be deemed a Type I Action, an action or project more likely to require the preparation of an EIS than Unlisted Actions, under SEQRA and a full Environmental Assessment Form shall be used to determine the significance of such actions.

**(i)9.** *Coordination with subdivision regulations and site plan requirements.*

- [1] *Subdivision review.* If the applicant proposes the sale of lots as part of the planned unit development, the subdivision review will be carried out simultaneously with the review of the preliminary planned unit development plan, and the subdivision review conducted in any planned unit development district shall be conducted by the Village Board of Trustees.
- [2] *b.* *Preliminary and final plats.* The plans required under this article must be submitted in a form that will satisfy, when applicable, requirements for preliminary and final plats as set forth in Chapter 190 Subdivision of land.
- [3] *c.* *Flexibility of subdivision standards.* The Village Board of Trustees may approve projects varying from the village's subdivision requirements as part of a planned unit development plan without the planned development plan obtaining variances from the Zoning Board of Appeals.
- [4] *d.* Where all or part of a planned unit development would otherwise require site plan approval, the final planned unit development plan shall serve as the site plan to be prepared in conformance with Chapter 220-14B.(1) – (13), and no further compliance with the village site plan regulations is required. Any conflicts between this chapter and any other section within Chapter 220 shall be resolved in favor of this chapter.

**(j)10.** *Management agreement or homeowners' association.* In the event there is more than a single owner of the premises within the planned unit development district (other than the owners of leasehold interests), no lot or dwelling unit in the planned unit development district shall be sold, rented, or issued a certificate of occupancy unless a corporation, association, property owners' group or similar entity has been formed with the right to assess all those properties which are jointly owned with interests in the common areas and facilities in the development to meet the expenses of such entity, and with authority to control, and the duty to maintain all of said mutually available features of the development. Such entity shall operate under recorded conditions, covenants and restrictions which shall include compulsory membership of all owners of lots and/or dwelling units, and flexibility of assessments to meet changing costs of maintenance, repairs and services. If there is no common ownership of facilities and areas available for use by all tenants, the single fee owner shall be required to satisfy this requirement by the recording of covenants placing the obligations upon the owner of the common property or other entity. The applicant shall submit evidence of compliance with this requirement, including the written notice of said agreement or association to be provided to renters or purchasers, prior to making any such sale or rental.

**(5)E. Application requirements and review procedures.**

**(a)1. Application requirements.** Applications for preliminary planned unit development plan approval shall include:

- [1] a. Name of applicant(s) and address of the site (street and number, tax map block and section).
- [2] b. Affidavit of ownership.
- [3] c. Full environmental assessment form, part 1.
- [4] d. Boundary and topographical survey of the property by a licensed engineer or land surveyor.
- [5] e. A vicinity map at approximately one-inch equals one thousand feet or five hundred feet (1" = 1,000' or 500'), along with a site-specific data list that includes: site address, acreage (net and gross), current zoning, existing land uses, and proposed land uses.
- [6] f. A proposed site plan at a standard scale, showing intended site development and uses, all public and private streets, proposed structures and improvements, parking areas, open space, drainage improvements, and recreational features.
- [7] g. Typical lot layouts showing house, garage, and driveway configurations, to scale, demonstrating proposed setbacks for the proposed project.
- [8] h. A grading plan.
- [9] i. Sample elevations and details of all proposed dwelling units, commercial buildings, fencing and screening walls, recreational improvements; street furniture and dumpster areas; all proposed signage and entrance treatments (to scale, with dimension callouts and proposed materials); and details of all proposed landscaping and lighting.
- [10] j. A traffic impact analysis to indicate the trip generations from the project and any potential impacts that may occur on the surrounding road network. The analysis should discuss any possible mitigation measures that may be required. The traffic analysis should also demonstrate that adequate onsite parking shall be provided and shall be in general conformance with the parking regulations provided for in other sections of the village code, unless changes are warranted by the particular characteristics of the proposed planned unit development plan. Adequate additional onsite parking space for guests, customers, the handicapped, recreational vehicles, and other common storage and/or parking uses shall be demonstrated. This analysis shall also include a discussion of any pedestrian and bicycle improvements proposed and linkages to the Village's downtown. Upon review of the impact analysis, the Village Board of Trustees may require that a traffic impact study be performed with the scope of the report to be determined by the Village Board of Trustees and its engineering consultant.
- [11] k. Proposed number of buildings, dwelling units, and gross floor area of each building.
- [12] l. A stormwater management analysis, consistent with Chapter 186, that describes the existing runoff and hydrology of the project site and the impacts of the proposed project. The analysis should contain a description of how the runoff will be collected, treated and controlled in accordance with local and state requirements. Emphasis should be placed on the reuse of stormwater on site for irrigation and other uses of green infrastructure. Upon review of the impact analysis, the Village Board of Trustees may require a stormwater management report containing, as a minimum, hydraulic computations, analysis and

mitigation measures; additional scope of the report to be determined by the Village Board of Trustees and its engineering consultant.

[13] m. Proposed front, side, and rear yard setbacks, and building heights.

[14] n. Design requirements including requirements for streets, alleys, streetscape, public open space, setbacks, build-to lines, access points, parking and buffering.

[15] o. Number of employees (if applicable).

[16] p. Proposed public utilities concept plan, including water supply, wastewater disposal, and storm drainage facilities to be constructed.

[17] q. Site coverage statistics (building coverage, paved areas, green area, by percentage of site and square footage).

[18] r. Identification of which services, amenities, streets, and utilities will be public or private.

[19] s. Anticipated impact on services (quantify and discuss impacts): traffic, sewer, water, solid waste, police, fire, EMS, and school district.

[20] t. A schedule for the completion of buildings, public and private facilities, and site improvements.

4.

[21] v. Any other information that the Village Board of Trustees or Planning Board may deem necessary for their review of the project.

(b)2. *Preliminary planned unit development plan review procedures.* The procedure for the review of a preliminary planned unit development plan shall be as follows:

[1] a. Applicants may request a pre-application meeting with village officials to review proposed planned unit development concept plans.

[2] b. The owner of the land (or agent/contract vendee thereof, hereafter referred to as the "owner") shall apply in writing to the Village Board of Trustees for a rezoning to create a planned unit development district and preliminary planned unit development approval. Said application shall include, as determined by the Building Department, multiple copies (both hardcopies and an electronic file) of the application materials described in subsection E.1. above. One copy, and all supplemental material received, shall be kept in the Village Clerk's office for public review.

[3] c. Upon confirmation from the Village Clerk that all materials have been submitted and fees have been paid, relevant village staff (including the Village Engineer, Building Inspector, Village Counsel, and others) and village advisers shall review the application for completeness, and if substantially and adequately complete as determined by the Village Engineer, or upon receiving the additional information necessary to make the application substantially and adequately complete, refer the application to the Village Board of Trustees for review and to the Planning Board for related comments, if any. The Village Board of Trustees may, at any time, determine within its sole discretion that the proposed planned unit development plan is not in accordance with the goals and plans of the village or otherwise not in the public interest, and deny the application without further review.

[4] d. If continuing with the application and upon determination of a complete application, the Applicant shall present the preliminary planned unit development plan at a regular meeting of the Village Board of Trustees.

[5] e. If applicable, a full copy of the application materials, including a copy of the application and EAF, shall be forwarded to the Westchester County Department of Environment and Planning in accordance with the General Municipal Law.

[6] e. Upon referral, the Planning Board shall review the application with the Applicant at a regular meeting of the Planning Board to determine in consultation with Village Consultants if it meets the standards of this article. The Planning Board may recommend to the Village Board of Trustees amendments to the preliminary planned unit development plan as are deemed reasonably necessary to protect natural resources, limit impacts, protect the established or permitted uses in the vicinity and to promote the orderly growth and sound development of the Village's downtown adjacent areas.

[7] f. In making its recommendation on the proposed development and changes, if any, the Planning Board shall consider the following factors:

- i. The need for the proposed land use in the proposed location.
- ii. The existing character of the neighborhood in which the uses will be located.
- iii. The pedestrian circulation and open space in relation to structures.
- iv. The traffic circulation features within the site and the amount, location and access to automobile parking areas; the impact of the proposal on existing transportation systems.
- v. The adequacy of the proposed public/private utilities, including water supply, sewage treatment and stormwater drainage facilities.
- vi. The height and bulk of buildings and their relation to other structures in the vicinity.
- vii. The proposed location, type and size of display signs, driveways and/or loading zones and landscaping.
- viii. The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
- ix. Impacts on the neighborhood, including preservation of resources, open space, and recreational activities.
- x. Conformance with the Village's Comprehensive Plan.
- xi. Such other site plan matters as the Planning Board may consider pertinent.

[8] g. As part of the preliminary planned unit development review, the Village Board of Trustees shall prepare a proposed local law for the creation of a Downtown Adjacent planned unit development district. The proposed local law shall follow the format of a model law provided by the Village Board of Trustees, and any recommendations of the Planning Board may then be incorporated into the proposed local law by the Village Board of Trustees.

[9] h. The Planning Board shall recommend approval, approval with modifications or conditions, or disapproval of the application, and shall make its recommendation to the Village Board of Trustees within sixty-two (62) days after referral to the Planning Board, unless mutually extended by the applicant and the Planning Board.

[10]i. The Village Board of Trustees shall refer the preliminary planned unit development plan to the Village Architectural Review Advisory Board (ARAC) for review consistent with the regulations set forth in Village Code Chapter 5 and design criteria outlined in sub-section 5-8.B.

[11]i. The Village Board of Trustees shall hold a public hearing on the proposed rezoning (draft local law) and preliminary planned unit development plan with public notice as provided by law as in the case of an amendment to a zoning law. The Village Board of Trustees, in reaching its decision on the proposal, should consider the standards of this section, and any other factors it deems reasonable.

[12]j. Upon receipt of the Planning Board's recommendation, or sixty-two (62) days after referring the application to the Planning Board or close of the public hearing, whichever is later, the Village Board of Trustees may act on the application by approving, approving with conditions, or disapproving the application. The Village Board of Trustees may attach to its approval any additional conditions or requirements it feels are necessary to fully protect the public health, safety, and welfare of the community.

[13]k. Any conditions imposed by the Village Board of Trustees shall run with the land and shall not lapse or be waived as a result of any subsequent change in the tenancy or ownership of any or all of said area.

[14]l. If the Village Board of Trustees denies the application, it shall state its reasons in writing.

[15]m. If one year from the date of a preliminary planned unit development plan approval a final planned unit development plan approval has not been received, or if after one year from date of a final planned unit development plan approval substantial site work has not begun, the approvals given under the terms of this local law shall terminate. However, the applicant may, for valid reasons, request an extension of time from the Village Board of Trustees from these deadlines, which may be granted in the sole discretion of the Village Board of Trustees.

(c)3. *Final planned unit development plans and issuance of permits.* The procedure for the review of a final planned unit development plans and permits shall be as follows:

[1]a. *Final planned unit development plans.* Any final planned unit development plans shall be in substantial conformance with the preliminary planned unit development plans. Prior to the issuance of any permits for the erection or enlargement of any buildings within a planned unit development district, final precise site and elevation plans for all buildings and landscaping within the district or approved phase of the development, shall be submitted to and approved by the Board of Trustees. If the initial application for approval of a preliminary planned unit development plan included final precise plans for the complete development, as provided in this subsection (c), building permits may be issued in accordance with those plans. In connection with the review of final planned unit development plans, deviations in any of the conditions previously established may be authorized pursuant to the provisions of this subsection (c).

**[2]b.** *Final planned unit development plan approval.* If the preliminary planned unit development plan did not include all details, or if the applicant wishes to construct in phases or to modify the preliminary planned unit development plan, including modifying conditions, final planned unit development plans, with all required detail, shall be submitted, including:

- i. Engineering plans showing how the site is to be serviced with sewer, water, well, and/or septic systems (as approved during the preliminary planned unit development plan stage).
- ii. Lighting plans.
- iii. Final drainage and stormwater retention and detention plans.
- iv. Road plans, including curbs and gutters, on-site/off-site signalization, acceleration, deceleration lanes, etc.
- v. Sidewalk, paths, walkways, trailways, conservation lands, recreational lands, public recreational amenities, and cycle trails.
- vi. Landscape plans showing the type and location of plant material, berms, and other aesthetic treatments.
- vii. Lot layouts showing house, garage, and driveway configurations, to scale, demonstrating proposed setbacks for the proposed project.
- viii. Elevations and details of all proposed dwelling units, commercial buildings, fencing and screening walls, recreational improvements; street furniture and dumpster areas; all proposed signage and entrance treatments (to scale, with dimension callouts and proposed materials); and details of all proposed landscaping and lighting.
- ix.. Any deviations from the preliminary planned unit development plan approval.
- x. Management agreement or homeowners' association required by this Article and/or proposed restrictive covenants.

**[3]e.** The Board of Trustees shall not issue final planned unit development approval until it has confirmed satisfactory compliance with Village Code Chapter 5-8.

**[4]d.** *Permits.* Except as approved by the [Board of Trustees Planning Board](#), no permit shall be issued for steep slopes, wetlands, grading, or for the erection, enlargement, or maintenance of buildings or structures in a planned unit development district, and no person shall perform any such development or construction work, except in full compliance with the final development plans approved as herein provided.

## **(6)F Fees**

A nonrefundable fee, as determined by the Village Board of Trustees by resolution, as set forth on the village's Master Fee schedule, shall be paid to the village upon each application.

| As further described in Chapter 122 Fees, the Applicant shall also be responsible for reasonable expenses, including the hiring of technical consultants–, incurred by the village in reviewing the application. The applicant will enter into an escrow agreement with the village to provide for the payment of these expenses prior to the village reviewing the application. For showing of good cause the Village Board of Trustees may waive said fees.