

Proposed Local Law  
NG-Zero Special Permit

§60-430.O Permitted special uses.

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(19) North Greeley Net Zero Carbon (NG-Zero). NG-Zero development shall be permitted only upon the issuance of a special permit by the Town Board and shall be subject to the specific requirements set forth herein in addition to the general procedures, conditions, and standards applicable to special permit uses as set forth in §60-430 of this chapter.

(a) Purpose and intent. The NG-Zero special permit is intended to encourage and facilitate the redevelopment of a ~~relatively~~ large, vacant property on North Greeley Avenue in the Chappaqua Hamlet as a mixed used, multi-family residential building that will exceed the currently applicable Green Building Code requirements in Chapter 74 of the New Castle Town Code, serve as a model for sustainable, environmentally responsible development not just in New Castle but statewide, and promote the following goals set forth in the Town Comprehensive Plan: help promote a vibrant and walkable downtown; help promote diversity and affordability of housing types; require environmentally friendly forms of residential development; promote carbon-neutral construction practices; promote resource conservation; promote reduction of construction waste; promote reduction in energy use; and promote access to public transportation, bicycle and pedestrian infrastructure.

(b) Special development standards.

[1] Site requirements.

[a] Location. NG-Zero development shall be permitted on any lot that is situated on the westerly side of North Greeley Avenue in the Retail Business and Parking (B-RP) Zoning District, and shall not include any corner lot or lot also having frontage on lower King Street (Allen Place).

[b] Site size. The minimum required lot area for a NG-Zero shall be 33,000 square feet.

[c] Variances. Relief from the site requirements of this subsection may be granted only upon application to and after hearing by the Zoning Board of Appeals upon a showing of unnecessary hardship as required in connection with the granting of a use variance.

[2] Dwelling units.

[a] Dwelling unit type. Individual dwelling units may be of the efficiency, studio, one-bedroom or two-bedroom type, but shall not contain more than two bedrooms. The Town Building Inspector shall have the authority to determine which rooms may function as bedrooms for the purpose of determining compliance with this requirement and may include any room other than bathrooms, kitchens, entranceways, foyers and closets.

[b] The gross floor area for an individual dwelling unit, excluding exterior space, shall be at least 500 square feet, but in no case shall it exceed 2,000 square feet.

[3] Affordable housing. A multifamily development, including a mixed-use development, shall be required to provide AFFH units pursuant to §§ 60-220 and 60-410H(6)(k) of this chapter except that in developments of 10 or more units no less than 12% of the total number of units must be created as affordable AFFH units. Alternatively, the applicant may provide no less than 10% of the total number of units as affordable AFFH units if at least 2% of the total number of units (minimum of 1) are workforce unit(s), as defined at §60-210~~at least 1 workforce unit, as defined at §60-210, is provided~~. In calculating the number of required affordable AFFH units and workforce units, partial units shall be rounded up to the next largest integer in all cases.

[4] Traffic management. Roadways giving vehicular access to NG-Zero sites shall be adequate to accommodate the anticipated traffic generation resulting from the development proposed thereon. The Town Board shall not approve a special use permit until and unless said Board determines that the roads and intersections proximate to the project site are capable of accommodating the additional traffic generation or, if not, that the necessary improvements will be made prior to the occupancy of the development.

[5] Off-street bicycle parking. A minimum of one (1) enclosed off-street bicycle parking space shall be provided for each residential unit. Off-street bicycle parking shall be designed to provide for appropriately sized and secure storage of bicycles and shall be accessible to residents. Each bicycle space shall adjoin a rack or similar system for securing bicycle. Bicycle parking spaces shall be in an area secured by a lock or similar means or adjoin a securely anchored rack to which the bicycle frame and at least one wheel can be locked. Adequate area shall be provided for each bicycle space. Off-street bicycle storage shall not include electric bicycles.

[6] Permitted uses. Permitted principal and accessory uses shall be as follows:

[a] Ground-floor. To promote the goals and intent of this provision, a project utilizing the NG-Zero in the B-RP district shall provide one or more ground floor retail or commercial uses consistent with the permitted principal uses within said district.

[b] Residential Density. Residential density shall be calculated as follows:

**Minimum Gross Lot Area Requirement per Dwelling Unit**

Efficiency (studio) apartment	375 square feet
1-bedroom apartment	500 square feet
2-bedroom apartment	750 square feet

[c] Any accessory use customarily incidental to a permitted principal use on the same lot.

[7] Utilities and services.

[a] Drainage. At a minimum, stormwater drainage systems shall comply with the requirements of Chapter 108A, Stormwater Management and Erosion and Sediment Control.

[b] Green infrastructure. Green infrastructure practices to improve water quality through stormwater management, such as rain gardens, green roofs, and cisterns, shall be provided to the extent readily achievable.

[c] Refuse storage and collection. Plans for the storage and collection of refuse and recycling shall be designed to the satisfaction of the Town Board to minimize disruption to nearby properties and provide appropriate odor, pollution and vermin controls. Refuse and recycling shall be stored in rodent-proof containers which shall be conveniently located to serve all dwelling units and shall be enclosed or otherwise screened from view. Such facilities shall comply with all setback requirements applicable to principal buildings and may not be located in the front yard.

[d] Undergrounding. All utilities, including electric, telephone and cable television service shall be placed underground, unless it is determined by the Town Board, based on professional consultation, that such a requirement is technically infeasible.

[8] Coverage. The maximum permitted impervious coverage shall be 85%.

[9] Off-street parking and loading.

[a] The applicant shall demonstrate compliance with the following off-street parking standards:

Use	Minimum Required Off-Street Parking	
Residential, Multi-Family	<u>1 space per unit if on-site car share is provided. If no on-site car share is provided parking shall be:</u>	
<u>Rental</u>	<u>Studio</u>	<u>.85/DU</u>
	<u>1-Bedroom</u>	<u>1.1/ DU</u>
	<u>2-Bedroom</u>	<u>1.4/ DU</u>
<u>Ownership</u>	<u>Studio</u>	<u>.9/DU</u>
	<u>1-Bedroom</u>	<u>1.2/DU</u>
	<u>2-Bedroom</u>	<u>1.5/DU</u>
Retail		
≤ 10,000 SF	2.8 Spaces per each 1,000 SF	

>10,000 SF	4.0 Spaces per each 1,000 SF
Restaurant	10 Spaces per each 1,000 SF

Any use not specifically listed above shall be subject to the minimum off-street parking requirements set forth at §60-420.F of this chapter.

[b] The Town Board may approve a reduction of these minimum standard(s) based upon a finding that:

(i) Sufficient public parking is available within a ~~1,200~~ 2,000 feet of the project site;

(ii) Sufficient private parking is available within a ~~1,260~~ 2,640 feet of the project site and an easement agreement is provided in recordable form approved by the Town Attorney which assures the continued operation of the private parking area for the life of the NG-Zero use; or

~~(iii) on-site car sharing which may allow up to a 25% reduction in the required minimum off-street parking requirement for the multifamily use; or~~

~~(iii)~~ The projected operational characteristics of the proposed use(s) or other strategies proposed by the applicant justify a different amount of parking.

In making this determination, the Town Board shall consider the site's proximity to public transportation and shall find that adequate parking is available to meet the parking demand for the proposed use(s).

[c] Payment in lieu of off-street parking. Where all required off-street parking is determined to be unavailable pursuant to the standards forth in paragraph [b] above, the Town Board may require as a condition of special permit approval a payment to the Town in lieu of providing such parking spaces. The amount of the fee-in-lieu shall be established by the Town Board in its Fee Schedule. The fee-in-lieu shall be deposited by the Town in a designed trust fund to be used by the Town exclusively for ensuring the availability of adequate off-site parking in the Chappaqua Hamlet, including increasing the quality and quantity of parking spaces as well as implementing improvements to traffic circulation in the Chappaqua Hamlet.

[10] Electric Vehicle Charging Stations. A minimum of 50% of the required parking shall be electric vehicle ready with sufficient capacity to charge electric vehicles at the full rated amperage.

[11] Green Building. In compliance with Chapter 74, Section 13 of the Town Code, new construction shall incorporate green building practices designed to minimize short-term

and long-term negative impacts on the environment. In addition to meeting the Town Code Green Building Standards, all NG-Zero projects must comply with the following requirements:

[a] Minimize on-site generation of carbon emissions: all buildings greater than 5,000 square feet of conditioned space shall not be serviced by ~~be designed and constructed with no~~ gas or fossil-fuel fired equipment or appliances, except as required for emergency standby power.

[b] Minimize operational carbon emissions: all new construction addressed by the International Energy Conservation Code must incorporate renewable energy systems of adequate capacity to achieve net zero carbon, per the requirements of the 2021 International Energy Conservation Code (IECC) Appendix CC: Zero Energy Commercial Building Provisions, as may be amended from time to time.

[c] Minimize embodied carbon in building products and materials: all buildings greater than 5,000 square feet of conditioned space must perform a whole building life cycle assessment (WBLCA) of the project's structure and enclosure prior to building permit approval. The project WBLCA must demonstrate a minimum 25% reduction in global warming potential (GWP) compared to a typical baseline building. Suitable WBLCA frameworks include LEED v4.1 Building Design & Construction and ANSI/GBI 01-2021 Green Globes Assessment Protocol for Commercial Buildings or similar. Where possible, material reuse (salvaged material) is strongly encouraged, as these materials can be designated to have low/zero GWP.

[12] Improving energy efficiency and building resiliency. [All NG-Zero projects must comply with the following energy standards:](#)

[\[a\]ANSI/ASHRAE/IE 90.1-2022 Energy Standard For Buildings, or any newer version issued hereafter. This energy standard specifically includes a requirement that whole-building air-leakage testing and measurement be performed on buildings less than 25,000 SF. For buildings greater than 25,000SF, the building shall be broken into areas whereby air-leakage testing will be undertaken; and](#)

[\[b\]NG-Zero Projects must install qualifying systems under the 179D Commercial Buildings Energy-Efficiency Tax Deduction program which includes interior lighting, building envelope and heating, cooling ventilation and hot water systems that reduce the energy and power cost of the interior lighting, HVAC and service hot water systems by 50% or more in comparison to a building meeting minimum requirements set by ASHRAE Standard 90.1 and qualify for such tax deduction.](#)

[13] Open space.

[a] Outdoor space. Outdoor space for project residents shall be provided in the form of one or more of the following: individual patios or terraces, rooftop garden, community garden, courtyard deck or balcony.

[b] Public open space. To foster a walkable community and activate street life in the downtown, suitable public open space shall be provided in connection with the ground floor commercial use(s).

[c] Other open spaces. Land within a NG-Zero project site which is not used for one or more of the purposes enumerated above shall be designed and maintained as permanent open space either to be improved and landscaped or to be preserved in its natural state, all in accordance with plans and restrictions as may be approved by the Town Board.

[14] Design.

[a] The scale, massing and character of a proposed project shall be consistent with the goals of the Comprehensive Plan relative to the ~~not negatively alter the community character of the~~ area in which the NG-Zero project site is located.

[b] The design shall include features that enhance the visual aesthetic and pedestrian experience, such as streetscape improvements, attractive lighting, benches, variation of façade and building materials, landscaping, and suitable building and parking orientation.

[c] Building height shall not exceed either 50- feet 60 feet or 4 stories. To ensure development compatible with the area in which the NG-Zero project is located, the Town Board may further limit the height. FARFloor area ratio limitations as referred to in §60-410.B, Schedule of regulations for business and industrial districts – Lot and Bulk Regulations – Part 4, (5)part 1: Lot and Bulk regulations doeshall not apply to NG-Zero special permits.

[d] The design shall integrate low-impact ecologically conscious construction techniques and construction management practices.

[e] All NG-Zero projects shall create active facades along streets. Building facades facing a street shall be defined as “street walls” and adhere to the following requirements:

- [i] Street wall height shall not exceed maximum allowable building height.
- [ii] Street walls occupying greater than 75% of street-facing linear frontage within 10 feet of property line shall include on the second floor and higher a step-back no less than 10 feet.

[15] Visual.

[a] A shadow study and visual impact assessment of the proposed project shall be submitted based upon appropriate modeling, photography and other pertinent analytical techniques accounting for the worst-case seasonal conditions.

[b] A visual impact assessment of the proposed project shall be submitted based upon appropriate modeling, photography and other pertinent analytical techniques accounting for the worst-case seasonal conditions.

[c] The Town Board may require modifications to the project to reduce or eliminate impacts based on the results of the shadow study ~~and or~~ visual impact assessment.

[16] Waiver of site requirements. The Town Board may waive or modify, in whole or in part, the standards set forth at §60-430.O(19)(b)(2)-(15) where the Town Board finds substantial evidence that such waiver or modification is consistent with the goals of the Town Comprehensive Plan, will better serve the public health, safety and welfare than strict compliance with such standard(s), and is necessary to avoid an unreasonable hardship upon the applicant.

(c) Application Procedure. Except as otherwise indicated below, applications for NG-Zero special permits shall comply with the procedures and requirements in § 60-430.B.

[1] Application. An application for a NG-Zero special permit and site development approval shall be submitted to the Town Clerk's Office, with 12 copies, and an electronic file format. Application form(s) as required by the Development Department shall be completed and submitted and shall include at a minimum the following information:

[a] The names and addresses of the property owner(s) of the applicant (if other than the owner), and of the planner, engineer, architect, surveyor and/or other professionals engaged to work on the project. If the applicant is not the owner of the property, authorization from the owner(s) to make the application shall be provided.

[b] A written statement: (i) describing the nature of the proposed NG-Zero special permit and a site development plan and how the proposed project is consistent with the special permit standards and will serve the purpose of NG-Zero; (ii) describing how the project is consistent with the Town Development Plan; (iii) describing in narrative or graphic form the relationship of the proposed site development plan with adjoining properties, other uses and improvements and the broader community; (iv) analyzing the availability and adequacy of utilities to serve the proposed site development plan; (v) analyzing the safety and capacity of the street system in the area in relation to the anticipated traffic generation and parking demand of the proposed project, and (vi) presenting such other information as may be required by law or deemed necessary by the Town Director of Planning to ensure efficient review of the application.

[c] A site development plan for the project site drawn to a convenient scale and including the following items of information: (i) the area of the property in both acres and square feet; (ii) the floor area in square feet of the proposed site development plan; (iii) a map of existing terrain conditions of the proposed site, including topography with a vertical contour interval of no more than two feet, existing drainage features, and major environmental features; (iv) a sketch indicating the location of the proposed project improvements with respect to

neighboring streets and properties, including the names of all owners of property within 500 feet of the development site, showing the existing zoning of the property and showing the location of zoning district boundaries in the surrounding area; (v) a site development plan indicating the footprint, height, and design of the building(s), the approximate layout of individual uses, pedestrian and bicycle access, parking areas and access drives, and the general nature and location of other proposed site improvements including landscaping and screening, storm drainage, water and sewer connections, etc., (vi) a generalized schedule for construction staging and completion of the proposed project; and (vii) an itemized list as to the green building attributes employed in the development project, (viii) an application fee in an amount as set forth by resolution of the Town Board in the Master Fee Schedule, which may be amended.

Upon determination by the Director of Planning that the application is substantially complete, the Director of Planning shall refer said application to the Town Board for review at its next regularly scheduled meeting. The Town Board may, in its discretion, invite the Planning Board to meet jointly with the Town Board in an advisory capacity.

[2] Public Hearing and Decision. Within 62 days of the date a completed NG-Zero special permit application is received, the Town Board shall schedule a public hearing on the NG-Zero special permit and associated site development plan. Within 62 days of the later of the date that the public hearing is closed or that all actions required under the State Environmental Quality Review Act as a prerequisite to Town Board action have been taken, the Town Board shall act to approve, approve with modifications, or disapprove the NG-Zero special permit and site development plan. Nothing in this section is to be construed as authorization for a default approval in the event these periods are exceeded.