



TOWN OF NEW CASTLE

200 South Greeley Avenue, Chappaqua, New York 10514 • (914) 238-4771 • Fax (914) 238-2537 • cpapes@mynewcastle.org

Town Clerk/Receiver of Taxes

Christina Papes

(914) 238-7269

Deputy Town Clerk

Lauren M. Cascone, MPA

(914) 238-7272

Deputy Receiver of Taxes

Patricia Antonucci

(914) 238-4773

NOTICE IS HEREBY GIVEN that the Town Board Meeting will be held on Tuesday, September 26, 2023 at 7:30pm, which will be preceded by a Work Session at 6:00pm and an Executive Session at 5:30pm, or as soon thereafter, in-person at ***New Castle Town Hall, 200 South Greeley Avenue, Chappaqua, New York***, and via videoconference and teleconference. Information concerning in-person meeting attendance and applicable COVID-19 regulations will be available on the Town website at www.mynewcastle.org.

PLEASE TAKE FURTHER NOTICE that the public can attend the meeting or watch the live meeting on YouTube at www.youtube.com/c/nccmc, or through the Zoom App. Comments can be sent in advance of the meeting or during the meeting to publiccomment@mynewcastle.org. To the extent one does not have access to the internet and is unable to attend the meeting in-person, comments can also be made by no later than 4:00pm of the day of the meeting to the Town Clerk at (914) 238-4772.

INSTRUCTIONS TO ACCESS MEETING VIRTUALLY: If you have a computer, tablet or smartphone, you can register, log in and see the video and hear the audio of the live session.

We will also have a dial-in number for you to call if you don't have a computer, or have problems with your computer's audio:

Access by phone: +1 646 518 9805

Enter Webinar ID: 849 5192 2690 Followed by #

(to raise digital hand to speak, dial *9, to unmute the microphone, dial *6)

Make sure to register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_dEx80Jt4TSaPxYVrDJIMyA#/registration

1. You will need to provide your name and email address when registering so we can send a confirmation email to you containing the web address and phone number for joining the webinar.
2. On Tuesday evening, log in with your computer and if needed, your telephone. You'll be placed on hold until the meeting starts.

PLEASE NOTE AGENDAS ARE SUBJECT TO CHANGE

**TOWN BOARD
MEETING AGENDA
TUESDAY, SEPTEMBER 26, 2023**

5:30 P.M. EXECUTIVE SESSION
(PERSONNEL, CONTRACTS AND ADVICE OF COUNSEL)

6:00 P.M. JOINT MEETING WITH CCSD

7:00 P.M. WORK SESSION

Topic: NG – Zero Legislation (50 North Greeley) Environmental Determination and Draft Resolutions
Description: Discussion

Topic: Resolution Declaring Indigenous Peoples’ Day
Description: Discussion

Administrative Items:

- Payment of Claims – Checks Dated September 27, 2023
- Authorization to Purchase Fire Alarm Components, and Engineering and Start-up Services from ARCO Protection Services, Inc.
- Authorization to Accept Proposal for Annual Holiday Lights
- Authorization to Use Town Property – Drive Electric Westchester (revised)

Adjournment

7:30 P.M. TOWN BOARD MEETING

I. Call to Order

- a. Announcements
- b. Supervisor’s Report
- c. Community Corner
- d. Town Administrator’s Report

II. Public Comment/New Business

Public comment can be sent in advance to publiccomment@mynewcastle.org or please utilize the chat function on the remote access during the meeting.

III. Consent Agenda Items

All matters listed under Consent Agenda are considered to be routine and will be enacted by one motion. Should a Council Member wish an alternative action from the proposed recommendation, the Council Member shall request that this matter be moved to the appropriate section at this time.

- Payment of Claims – Checks Dated September 27, 2023
- Adoption of Monthly Reports – August 2023
- Adoption of Minutes – August 2023

PLEASE NOTE AGENDAS ARE SUBJECT TO CHANGE

- Authorization to Purchase Fire Alarm Components, and Engineering and Start-up Services from ARCO Protection Services, Inc.
- Authorization to Accept Proposal for Annual Holiday Lights
- Authorization to Use Town Property – Drive Electric Westchester (revised)

IV. Proposed Actions

1. Authorization to Hire – Police
2. Authorization to Promote – DPW
3. Authorization to Post and Hire (2) – DPW
4. Authorization to Accept Resignation – CREI
5. Authorization to Appoint – CREI
6. Authorization to Appoint (2) – SAB
7. Authorization to Retain Bleakley Platt as Interim Counsel for New Town Matters
8. Resolution Declaring Indigenous Peoples' Day

V. Adjournment

AGENDA

Joint Meeting New Castle Town Board and Chappaqua Board of Education

September 26, 2023 at 6 pm

New Castle Town Hall- Conference Rooms A & B

1. Introductions
2. Discussion of the Electronic Sign IMA
3. Discussion of the Proposed Chapline
 - Identification of security concerns
 - Proposed route
4. Field and Facility Usage Fees
 - Camps use of buildings
 - Athletic groups use of fields
5. Future Budget/Staffing- SRO needs
6. School incidents
 - Clarification of current policy regarding school incidents
 - Individual school vs. entire district vs community at large
 - Potential expansion of parameters for town-wide communication
7. Student Parking
8. Schedule of additional meetings

1 **TOWN OF NEW CASTLE**

2 **State Environmental Quality Review Act**
 3 **NEGATIVE DECLARATION**
 4 **Determination of Non-Significance**

5 **NG-ZERO SPECIAL PERMIT LEGISLATION**
 6 **50 NORTH GREELEY AVENUE CONCEPT PLANS**
 7
 8

9 This Determination is issued pursuant to the State Environmental Quality Review Act, Article 8
 10 of the Environmental Conservation Law of the State of New York (“SEQRA”), and its
 11 implementing regulations, 6 NYCRR Part 617. The Town Board of the Town of New Castle (the
 12 “Town Board”), in its capacity as Lead Agency under SEQRA, hereby determines that the
 13 proposed action described below will not have a significant environmental impact and a Draft
 14 Environmental Impact Statement will not be prepared or required.

15 **SEQRA Type:** Unlisted action.
 16

17 **Description of Proposed Action:** By letter dated September 20, 2022, FFLP Holding, 50 North
 18 Greeley LLC (the “Applicant”), as owner of the real property located at 50 North Greeley Avenue
 19 (the “Project Site” or “Property”), submitted a zoning change petition and supporting
 20 documentation to the Town Board proposing the amendment of the Town Zoning Code (the
 21 “Proposed Action”) to facilitate the redevelopment of the Property (the “Project”). Specifically,
 22 the Applicant proposed adding a new provision to Town Code §60-430.O that would establish a
 23 new special permit for a mixed-use, residential building (the “Building”) that would significantly
 24 exceed current energy efficiency standards and serve as a model for sustainable development. This
 25 new special use permit would be known as the “NG-Zero Special Permit.”

26 Along with its zoning change petition, the Applicant also submitted proposed concept plans (the
 27 “Concept Plans”) to demonstrate how the Project would revitalize and activate the street on North
 28 Greeley Avenue with restaurant and retail uses and outdoor amenities, such as public spaces and
 29 seating. The Concept Plans enabled the Town Board to assess how the proposed Building would
 30 contribute to the visual character and qualities of the surrounding neighborhood in terms of its
 31 massing, height, articulation, and impacts upon viewsheds, and it served an integral role in shaping
 32 the findings herein. A copy of the Concept Plans, as revised, are annexed hereto.
 33

34 As currently proposed by the Applicant, the Building would have 50 residential dwelling units;
 35 approximately 3,145 square feet of restaurant use; 3,270 square feet of retail use; 2,750 square feet
 36 of lobby and amenity space; 4,975 square feet of public space; 52 on-site parking spaces and one
 37 loading space. Two parking spaces would be reserved for a car-sharing service, and the remaining

1 50 spaces would be dedicated to the residential units (one parking space per unit). The residential
2 units would be rental units and consist of 24 two-bedroom units; 18 one-bedroom units; and eight
3 (8) studio apartments.

4
5 The Applicant also proposes that six (6) dwelling units (12% of the 50-unit total) would qualify as
6 affordable Affirmatively Furthering Fair Housing (“AFFH”) units.¹ An additional four (4)
7 dwelling units would qualify as Workforce Housing units within the meaning of Town Code § 60-
8 210. Thus, a total of ten (10) dwelling units (20% of the 50-unit total) would be affordable to
9 households with a range of income levels that would generally fall below the area median income
10 for Westchester County.

11 The legislation under consideration as the Proposed Action is intended to facilitate the
12 redevelopment of the Project Site pursuant to the Concept Plans. No other properties in the Town
13 of New Castle will be eligible for a NG-Zero Special Permit. The legislation contains provisions
14 that are tailored to reflect the essential features, characteristics, exterior dimensions, and
15 articulation of the proposed Building and site layout, as depicted in the Concept Plans.

16
17 The proposed Building would be a high-performance (net zero carbon emissions), 4-story structure
18 constructed primarily of a mass timber framing system, utilizing elements such as flue-laminated
19 timber (GLT), laminated veneer lumber (LVL), and cross-laminated timber (CLT). These
20 products are industrially produced, prefabricated, large-scale timber elements. The proposed
21 Building will leverage the structural capacity and assembly efficiencies of CLT panels, in tandem
22 with GLT and LVL frame elements. The façade of the proposed Building will utilize a number of
23 environmentally conscious materials, such as composite paper panels, thermally modified wood
24 siding, upcycled and bio-based masonry cladding.

25
26 The proposed Building will be 100% electric, with no gas or fossil-fuel fired equipment or
27 appliances (except for emergency standby power). Other energy saving and energy-generating
28 strategies necessary to meet the operational emissions and net zero carbon requirements of the NG-
29 Zero Special Permit will be incorporated into the project. The efficacy of the specific systems that
30 the Applicant will incorporate will be vetted and confirmed during site plan review and the energy
31 modeling processes described in the NG-Zero legislation.

32
33 It is notable that any alternative development plan submitted pursuant to the NC-Zero Special Permit
34 legislation would also be required to be high-performance (net zero carbon emissions) development
35 project that meets all other environmental standards in the NG-Zero Special Permit legislation as
36 determined by the Town Board.

37
38 **Location:** The 0.83 Acre property at 50 North Greeley Avenue, Chappaqua, NY 10514 (Tax Map
39 Parcel No. 100.11-2-1), is the former site of a Rite Aid Pharmacy. The Property is abutted to the
40 west by the Metro-North Harlem Line railroad tracks. To the south, the Property is abutted by a

¹ See Town Code § 60-220. The NG-Zero Special Permit legislation requires a minimum of ___ % affordable units and ___ % of workforce housing.

1 commercial building with professional and food-service tenants. To the east, the Property is
2 abutted by North Greeley Avenue and various mixed-use, one, two and three-story buildings with
3 retail uses and residential occupants, and to the north, by a vacant property.
4

5 **Project History:** The Town Board received and reviewed a Full Environmental Assessment Form
6 in connection with the Proposed Action, together with a panoply of other materials and reports
7 prepared by the Applicant’s professional consultants. These materials included the following:

- 8 • Letter from FFLP Holding 50 North Greeley LLC (by Don Feinberg), dated
9 November 22, 2021;
- 10 • Presentation to the New Castle Town Board, prepared by Gray Organschi
11 Architecture, dated June 22, 2022;
- 12 • Letter from Philip E. Karmel, Esq. of Bryan, Cave Leighton, Paisner LLP, dated
13 September 20, 2022;
- 14 • Special Use Permit Application received September 20, 2022;
- 15 • Full Environmental Assessment Form Part 1, dated September 16, 2022;
- 16 • Proposed B-RP Special Permit legislation, dated September 19, 2022 ;
- 17 • Plan titled “Cover (G0.00)” prepared by Gray Organschi Architecture, dated
18 September 20, 2022;
- 19 • Plan titled “Site Survey (G0.01)” prepared by Gray Organschi Architecture, dated
20 September 20, 2022;
- 21 • Plan titled “Level 1 Plan (A1.00)” prepared by Gray Organschi Architecture, dated
22 September 20, 2022;
- 23 • Plan titled “Level 2 Plan (A1.01)” prepared by Gray Organschi Architecture, dated
24 September 20, 2022;
- 25 • Plan titled “Level 3 Plan (A1.02)” prepared by Gray Organschi Architecture, dated
26 September 20, 2022;
- 27 • Plan titled “Level 4 Plan (A1.03)” prepared by Gray Organschi Architecture, dated
28 September 20, 2022;
- 29 • Plan titled “Elevations (A2.00)” prepared by Gray Organschi Architecture, dated
30 September 20, 2022;
- 31 • Plan titled “Shadow Study (A3.00)” prepared by Gray Organschi Architecture, dated
32 September 20, 2022;
- 33 • Plan titled “Cover Sheet (CS001) prepared by Langan Engineering and Environmental
34 Services, Inc., dated September 20, 2022;

- 1 • Plan titled “Existing Conditions & Site Removal Plan (CD101) prepared by Langan
2 Engineering and Environmental Services, Inc., dated September 20, 2022;
- 3 • Plan titled “Site Layout and Utility Plan (CS101) prepared by Langan Engineering
4 and Environmental Services, Inc., dated September 20, 2022;
- 5 • Plan titled “Grading and Drainage Plan (GC101) prepared by Langan Engineering and
6 Environmental Services, Inc., dated September 20, 2022;
- 7 • Plan titled “Erosion & Sediment Control Plan (CE101) prepared by Langan
8 Engineering and Environmental Services, Inc., dated September 20, 2022;
- 9 • Plan titled “Details (CS501) prepared by Langan Engineering and Environmental
10 Services, Inc., dated September 20, 2022;
- 11 • Plan titled “Zoning Data/Building Code Data” prepared by Gray Organschi
12 Architecture, dated September 19, 2022;
- 13 • Presentation slide “Downtown Chappaqua” prepared by Gray Organschi
14 Architecture, dated November 9, 2022;
- 15 • Presentation slide “Site Strategy” prepared by Gray Organschi Architecture, dated
16 November 9, 2022;
- 17 • Presentation slide “Existing Conditions” prepared by Gray Organschi Architecture,
18 dated November 9, 2022;
- 19 • Presentation slide “Level 1” prepared by Gray Organschi Architecture, dated
20 November 9, 2022;
- 21 • Presentation slide “Level 2-4 Typical Multifamily” prepared by Gray Organschi
22 Architecture, dated November 9, 2022;
- 23 • Presentation slide “Roof Plan” prepared by Gray Organschi Architecture, dated
24 November 9, 2022;
- 25 • Presentation slide “Section Through North Greeley Proposed” prepared by Gray
26 Organschi Architecture, dated November 9, 2022;
- 27 • Presentation slide “North Greeley Elevation Proposed” prepared by Gray Organschi
28 Architecture, dated November 9, 2022;
- 29 • Presentation slide “Section Through North Greeley Proposed (Close-up)” prepared by
30 Gray Organschi Architecture, dated November 9, 2022;
- 31 • Presentation slide “Façade Material Palette Proposed” prepared by Gray Organschi
32 Architecture, dated November 9, 2022;
- 33 • Presentation slide “Mass Timber Construction (Acme Timber Lofts)” prepared by
34 Gray Organschi Architecture, dated November 9, 2022;

- 1 • Presentation slide “Mass Timber Construction (Acme Timber Lofts)” prepared by
2 Gray Organschi Architecture, dated November 9, 2022;
- 3 • Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray
4 Organschi Architecture, dated November 9, 2022;
- 5 • Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray
6 Organschi Architecture, dated November 9, 2022;
- 7 • Presentation slide “Proposed Building (View from North Greeley)” prepared by Gray
8 Organschi Architecture, dated November 9, 2022;
- 9 • Presentation slide “Proposed Building (View of Ground Level Cafe)” prepared by
10 Gray Organschi Architecture, dated November 9, 2022;
- 11 • Presentation slide “Proposed Building (View from an Elevated Court Yard)” prepared
12 by Gray Organschi Architecture, dated November 9, 2022;
- 13 • Presentation slide “Proposed Building (View from the Southeast)” prepared by Gray
14 Organschi Architecture, dated November 9, 2022;
- 15 • Presentation slide “South Aerial View (Existing)” prepared by Gray Organschi
16 Architecture, dated November 9, 2022;
- 17 • Presentation slide “South Aerial View (Proposed)” prepared by Gray Organschi
18 Architecture, dated November 9, 2022;
- 19 • Presentation slide titled “Zoning Data/Building Code Data” prepared by Gray
20 Organschi Architecture, dated November 9, 2022;
- 21 • Document titled “Assessment of Potential Project Impacts” dated November 23,
22 2022;
- 23 • Video depicting augmented reality model, dated May 9, 2023;
- 24 • Presentation slide “Downtown Chappaqua” prepared by Gray Organschi
25 Architecture, dated May 9, 2023;
- 26 • Presentation slide “Existing Conditions” prepared by Gray Organschi Architecture,
27 dated May 9, 2023;
- 28 • Presentation slide “Level 1” prepared by Gray Organschi Architecture, dated May 9,
29 2023;
- 30 • Presentation slide “Level 2-4 Typical Multifamily” prepared by Gray Organschi
31 Architecture, dated May 9, 2023;
- 32 • Presentation slide “Roof Plan” prepared by Gray Organschi Architecture, dated
33 November 9, 2022;

- 1 • Presentation slide “South Aerial View (Existing)” prepared by Gray Organschi
2 Architecture, dated May 9, 2023;
- 3 • Presentation slide “South Aerial View (Proposed)” prepared by Gray Organschi
4 Architecture, dated May 9, 2023;
- 5 • Presentation slide “North Aerial View (Existing)” prepared by Gray Organschi
6 Architecture, dated May 9, 2023;
- 7 • Presentation slide “North Aerial View (Proposed)” prepared by Gray Organschi
8 Architecture, dated May 9, 2023;
- 9 • Presentation slide “Height Analysis (Downtown Chappaqua)” prepared by Gray
10 Organschi Architecture, dated May 9, 2023;
- 11 • Presentation slide “Height Analysis (+55’ From 50 NG Grade)” prepared by Gray
12 Organschi Architecture, dated May 9, 2023;
- 13 • Presentation slide “Height Analysis (+50’ From 50 NG Grade)” prepared by Gray
14 Organschi Architecture, dated May 9, 2023;
- 15 • Presentation slide “Height Analysis (+45’ From 50 NG Grade)” prepared by Gray
16 Organschi Architecture, dated May 9, 2023;
- 17 • Presentation slide “North Greeley Elevation (Proposed)” prepared by Gray Organschi
18 Architecture, dated May 9, 2023;
- 19 • Presentation slide “North Greeley Elevation (Proposed Maximum Building Height)”
20 prepared by Gray Organschi Architecture, dated May 9, 2023;
- 21 • Presentation slide “North Greeley Elevation (Proposed Street Wall Elevations)”
22 prepared by Gray Organschi Architecture, dated May 9, 2023;
- 23 • Presentation slide “North Greeley Elevation (Proposed Average Street Wall Height)”
24 prepared by Gray Organschi Architecture, dated May 9, 2023;
- 25 • Presentation slide “Section Through North Greeley (Proposed)” prepared by Gray
26 Organschi Architecture, dated May 9, 2023;
- 27 • Presentation slide “Proposed Building (View from North Greeley)” prepared by Gray
28 Organschi Architecture, dated May 9, 2023;
- 29 • Presentation slide “Proposed Building (View from Ground Level Cafe)” prepared by
30 Gray Organschi Architecture, dated May 9, 2023;
- 31 • Presentation slide “Proposed Building (View from Elevated Courtyard)” prepared by
32 Gray Organschi Architecture, dated May 9, 2023;

- 1 • Presentation slide “Proposed Building (View from the Southeast)” prepared by Gray
2 Organschi Architecture, dated May 9, 2023;
- 3 • Presentation slide “Building + Site Model (View from Southeast 1)” prepared by Gray
4 Organschi Architecture, dated May 9, 2023;
- 5 • Presentation slide “Building + Site Model (View from Southeast 2)” prepared by Gray
6 Organschi Architecture, dated May 9, 2023;
- 7 • Presentation slide “Building + Site Model (View from East)” prepared by Gray
8 Organschi Architecture, dated May 9, 2023;
- 9 • Presentation slide “Building + Site Model (View from Northeast)” prepared by Gray
10 Organschi Architecture, dated May 9, 2023;
- 11 • Presentation slide titled “Zoning Data/Building Code Data” prepared by Gray
12 Organschi Architecture, dated May 9, 2023;
- 13 • Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray
14 Organschi Architecture, dated May 9, 2023;
- 15 • Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray
16 Organschi Architecture, dated May 9, 2023;
- 17 • Presentation slide “Façade Material Palette Proposed” prepared by Gray Organschi
18 Architecture, dated May 9, 2023;
- 19 • Letter dated May 23, 2023 from Gray Organschi Architecture;
- 20 • Video Flight Path (two paths);
- 21 • Email from Jeffrey Davis, dated July 18, 2023, submitting revised plans;
- 22 • Plan titled “Level 1 (Original Commercial Parking and Public Space)” prepared by
23 Gray Organschi Architecture, dated July 17, 2023;
- 24 • Plan titled “Level 1 (Proposed Revised Commercial Parking and Public Space)”
25 prepared by Gray Organschi Architecture, dated July 17, 2023;
- 26 • Plan titled “Level 2-4 (Apartment Plan), prepared by Gray Organschi Architecture,
27 dated July 17, 2023;
- 28 • Plan titled “Level 2-4 (Proposed Revised Apartment Plan), prepared by Gray
29 Organschi Architecture, dated July 17, 2023;
- 30 • Memorandum re: 50 North Greeley Avenue Parking and Transportation
31 Memorandum to Jeffrey Davis, Bear Development Holdings, LLC from Elaine Du,
32 PE and Michael Beattie, PE, PTOE of AKRF Environmental Planning and
33 Engineering Consultants, dated July 28, 2023;

- 1 • Plan titled “Level 1 (Original Commercial Parking and Public Space)” prepared by
2 Gray Organschi Architecture, dated August 1, 2023;
- 3 • Plan titled “Level 1 (Proposed Revised Commercial Parking and Public Space)”
4 prepared by Gray Organschi Architecture, dated August 1, 2023;
- 5 • Plan titled “Level 2-4 (Typical Apartment Plan), prepared by Gray Organschi
6 Architecture, dated August 1, 2023;
- 7 • Plan titled “Level 2-4 (Proposed Revised Apartment Plan), prepared by Gray
8 Organschi Architecture, dated August 1, 2023;
- 9 • Plan titled “Level 3 (Proposed Revised Apartment Plan), prepared by Gray
10 Organschi Architecture, dated August 1, 2023;
- 11 • Plan titled “Level 4 (Proposed Revised Apartment Plan), prepared by Gray
12 Organschi Architecture, dated August 1, 2023;
- 13 • Plan titled “Zoning Data/Building Code Data” prepared by Gray Organschi
14 Architecture, dated August 2, 2023;
- 15 • Document titled “Assessment of Potential Project Impacts” dated August 3, 2023;
- 16 • Memorandum re: updated parking and transportation analysis from Elaine Du, PE
17 and Michael Beattie, PE, PTOE of AKRF Environmental Planning and Engineering
18 Consultants, dated August 4, 2023;
- 19 • Memorandum prepared by Andrew Ruff, Gray Organschi Architecture, dated
20 September 19, 2023, responding to written and verbal public comments submitted at
21 and prior to the September 12, 2023 public hearing; and
- 22 • Memorandum prepared by Nanette H. Bourne, Principal, NHB Planning Group, LLC
23 dated September 18, 2023, responding to written and verbal public comments
24 submitted at and prior to the September 12, 2023 public hearing

25 Additionally, the Town Board received and considered written recommendations and input from
26 the Westchester County Department of Planning, the Town of New Castle Planning Board, and
27 other interested agencies. These submissions include the following:

- 28 • Letter dated from the Westchester County Planning Board dated March 31, 2023
29 pursuant to N.Y. GML § 239-m and West. Cty. Admin. Code § 277.61;
- 30 • Letter dated from the Westchester County Planning dated December 19, 2022
31 pursuant to N.Y. GML § 239-m and West. Cty. Admin. Code § 277.61;
- 32 • Memorandum dated March 13, 2023 from the New Castle Planning Board
33 pursuant to Town Code § 60-600;

- 1 • Letter dated June 13, 2023 from the New Castle Sustainability Advisory Board;
- 2 and
- 3 • Letter dated June 23, 2023 from the Chappaqua Fire Department.

4 Notably, the Town Board held two joint public meetings with the New Castle Planning Board to
5 discuss the proposed legislation and, more generally, how to approach revitalizing the North
6 Greeley corridor in light of the existing conditions and constraints in the Chappaqua hamlet.
7 These joint public meetings were held on January 10 and 24, 2023.

8 Following its joint public meetings with the Planning Board, the Town Board established a
9 subcommittee (the “Working Group”) that initially consisted of two Town Board members and
10 two Planning Board members. After the Working Group’s first public meeting on February 16,
11 2023, the Town Board added two members of the New Castle Board of Architectural Review to
12 the Working Group.

13 The Town Board tasked the Working Group with developing recommendations with respect to
14 the draft NG-Zero Special Permit legislation and the Concept Plans. The Working Group held
15 additional public meetings on June 8, 2023 and June 27, 2023, which focused primarily upon the
16 Concept Plans. In addition, on various occasions, individual members of the Working Group
17 attended the Town Board’s public hearing on the proposed legislation and provided input and
18 recommendations. The Town Board gratefully acknowledges the contributions of the Working
19 Group and the New Castle Planning Board, which helped foster a robust discussion of the
20 relevant planning and redevelopment goals for the Project Site and the North Greeley corridor.

21 To assist the Town Board with analyzing the potential parking and transportation impacts
22 associated with the Proposed Action, the Town engaged an outside professional consultant,
23 Creighton Manning Engineering, LLP (“Creighton Manning”). Creighton Manning was tasked
24 with reviewing and commenting upon the analyses provided by the Applicant’s professional
25 consultant, AKRF, Inc. (“AKRF”). The Town Board received and considered the following
26 written submissions from Creighton Manning and AKRF concerning potential impacts
27 associated with parking and transportation:

- 28 • Memorandum from AKRF dated November 23, 2022, presenting the results of a
29 parking study;
- 30 • Memorandum from AKRF dated July 7, 2023;
- 31 • Letter from Creighton Manning, dated July 21, 2023;
- 32 • Memorandum from AKRF dated July 28, 2023;
- 33 • Memorandum from AKRF, dated August 4, 2023;
- 34 • Letter from Creighton Manning dated August 8, 2023; and

- 1 • Letter from Creighton Manning dated August 10, 2023.

2 The Town Board also heard and considered written and verbal comments made by members of
3 the public over the course of the public hearing it conducted on the proposed NG-Zero
4 legislation. Specifically, the Town Board opened the public hearing on the draft legislation on
5 May 9, 2023, and thereafter continued the public hearing on the following dates:

6 May 23, 2023

7 June 13, 2023

8 June 27, 2023

9 July 25, 2023

10 August 8, 2023

11 September 12, 2023

12 The public hearing was left open until noon on October 2, 2023, for the submission of written
13 comments and the Town Board has considered all written comments from the public.

14 The Town Board, as Lead Agency, has identified all relevant areas of environmental concern
15 and potential impacts arising from the Proposed Action in light of the Concept Plan, the
16 completed Environmental Assessment Form, and all the aforementioned documentation,
17 recommendations, professional guidance, and public comment. Having assessed those potential
18 impacts under the criteria set forth in 6 NYCRR § 617.7(c), the Town Board hereby determines
19 there are no significant adverse environmental impacts associated with the Proposed Action and
20 Project. Therefore, preparation of an Environmental Impact Statement is not required.

21 The Town Board makes the following findings supporting this determination:

22 **Reasons Supporting Negative Declaration**

23 1. **Land**

24 The Property is currently improved with a single-story commercial building and a 49-space surface
25 parking lot. The current impervious coverage on the Project Site is 31,909 SF. The NG-Zero
26 Special Permit includes unique characteristics with respect to the development of land which include,
27 but are not limited to, the following:

- 28 • Site requirements regarding location and size of parcel;
- 29 • Limitations on the number of bedrooms per unit;
- 30 • Incorporation of green infrastructure practices;
- 31 • Undergrounding of utilities;
- 32

- 1 • Incorporation of green building practices designed to minimize short-term and long-term
2 negative impacts on the environment which include no carbon-based fuel fired equipment or
3 appliances; minimization of operational carbon emissions, including incorporation of
4 renewable energy systems and minimization of embodied carbon in building products and
5 materials;
- 6 • Incorporation of energy-efficient building standards which require modeling and certification
7 in relation to lighting systems, heating, cooling, ventilation, hot water systems and the
8 building envelope;
- 9 • Building design requirements which include features to enhance the visual aesthetic and
10 pedestrian experience;
- 11 • A limit setting the maximum building height to 50-feet or 4 stories;
- 12 • Incorporation of low-impact ecologically conscious construction techniques and construction
13 management practices.

14
15 As a result, the NG-Zero Special Permit legislation itself reduces environmental impacts on land.

16 The proposed Concept Plans propose the construction of an environmentally sustainable, four-
17 story, multi-use building, with surface parking beneath the residential use, on the ground floor
18 along with public open space. The existing commercial building and parking lot on the Property
19 will be demolished and replaced with this new structure.

20 After this proposed redevelopment, the proposed impervious coverage on the Project Site will be
21 27,515 SF (4,394 SF less than exists today). In addition, the Concept Plans propose 9,017 SF of
22 planted yards, structured plantings and pervious pavement on the first/ground floor of the Property.
23 The Concept Plans also propose additional pervious coverage amounting to 5,437 SF (planned
24 green/blue roofs with stormwater retention) on the second floor of the proposed Building.

25 Other land-related detail depicted on the Concept Plans include the following fundamental
26 elements and characteristics:

- 27 • The proposed Building would have 15' floor-to-floor height for the ground floor
28 commercial spaces and parking area. After accounting for the necessary structural
29 depths spanning the parking area and ceiling-mounted mechanical, plumbing, and
30 fire-protection equipment, a clear minimum height of 12' 6" would be provided to
31 enter the ground floor garage.
- 32 • Vehicular access to the site is planned to be through a single combined
33 ingress/egress curb cut located towards the northern end of the subject site,
34 approximately 100' north of the current surface lot ingress drive. An internal
35 turnaround area would be provided at the southern terminus of the two-way parking
36 aisle in the ground floor garage.
- 37 • 53 parking spaces to be provided on the ground floor of the Property will be located
38 behind the proposed commercial uses, not visible from North Greeley Avenue.

- 1 • The Project is intended to enhance the visual, aesthetic and pedestrian experience
2 by, among other things, widening the sidewalk from approximately 8 to 18 feet
3 (public spaces) and providing benches, landscaping, architecturally significant
4 lighting and varied building materials.

- 5 • Due to the existing developed nature of the subject site and the use of mass-timber
6 which is mostly constructed and prepared for electrical and plumbing needs off-
7 site, there will be minimal disturbance on-site. Use of erosion and sediment
8 controls will be required per the New Castle Town Code Chapter 108A: Stormwater
9 Management and Erosion and Sediment Control, such that no increased erosion
10 will occur.

11 There are no steep slopes, exposed bedrock, or unique geological features on the Property. The
12 depth to the water table averages between two and four feet. As there is no subsurface building
13 structure proposed, it is anticipated that piles will be utilized to support the Building, along with
14 any stormwater retention that may be required.

15 As has been previously identified in proximity to this Property, there are extremely acidic substrata
16 in this area. As such, any development pursuant to the NG-Zero Special Permit legislation would
17 need to incorporate the appropriate techniques to ensure that the integrity of support systems is not
18 compromised. Geotechnical investigation/borings will be required prior to construction.

19 The existing site consists of urban substrata overlain with asphalt and concrete. The Proposed
20 Action will not be disturbing new natural areas as the future development will be located in the
21 areas that are currently disturbed.

22 A Phase I Environmental Site Assessment of the property located at 50 North Greeley Avenue was
23 conducted to identify the presence of any recognized environmental conditions with respect to
24 contaminants that could adversely impact future use of the site. The Phase I included a database
25 search of historic uses on the site and adjacent to the site. The Phase I Site Assessment concluded
26 that there were no contaminants found that would create a high risk of significant adverse impacts
27 to public health, stormwater, groundwater or the Saw Mill River Watershed. The Phase I Site
28 Assessment also concluded that there was no evidence that current or historic uses of adjacent sites
29 would be anticipated to have adversely impacted the subject property. It was concluded that
30 additional testing as part of the future special permit application process should be conducted to
31 ensure that the historical use of the Property which may have included the use or storage of
32 hazardous or regulated materials be conducted. This additional testing is routinely conducted as a
33 project is further developed in regards to geotechnical investigation/borings.

34
35 Based upon the detail provided in the Concept Plans and the existing site conditions described
36 above, the Proposed Action and Project will not have a significant adverse impact on land.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

2. Geological Features

There are no unique geologic features or unusual landforms on the site or in proximity to the Project Site. As such, there are no significant adverse impacts to geological features.

3. Stormwater, Wastewater and Drinking Water

Stormwater

The proposed NG-Zero Special Permit legislation contains locational requirements which effectively limit eligibility for the special permit to 50 North Greeley Avenue. The Property does not contain any wetlands or surface water bodies (streams, rivers, ponds or lakes), and is currently considered to be in a disturbed state as compared to natural conditions. The site currently contains approximately 31,909 SF (88%) of impervious area consisting of a building and asphalt paved parking area.

The Project Site is located within the Saw Mill River Basin Watershed. There are currently no on-site stormwater controls. As such, drainage flows across the site generally from north to south. Surface runoff is currently collected from the Project Site in catch basins that are located along North Greeley Avenue. These catch basins are part of a pipe network that comprises the Town's municipal stormwater system. Stormwater is conveyed through this network in closed drainage pipes in a southerly direction, behind buildings located on South Greeley Avenue, under the Quaker Street Bridge and discharging into an unnamed stream which drains into Tercia Brook, a tributary to the Saw Mill River. The Town recently completed a major infrastructure upgrade project in the Chappaqua hamlet to replace portions of the pipe network and improve stormwater capacity throughout the hamlet.

Future development on the Project Site under the NG-Zero Special Permit must comply with the requirements of Chapter 108A Stormwater Management and Erosion and Sediment Control, as set forth in the New Castle Town Code. Preparation of a Stormwater Pollution Prevention Plan (SWPPP) will also be required.

The proposed NG-Zero Special Permit legislation requires that development of the Project Site incorporate green infrastructure practices (*i.e.*, rain gardens, green roofs, cisterns) to improve water quality through stormwater management with respect to any development pursuant to the NG-Zero Special Permit. As presented by the Applicant, the Concept Plans include reducing the amount of impervious cover on site from 31,909 SF to 27,515 SF, which is a net reduction of 4,394 SF of impervious surface. In addition, the Concept Plans include landscaped planters along the front of the site, increasing the landscaped buffer along the rear of the property and implementing the use of pervious pavement. Any alternative development project would need to incorporate similar measures to address and improve water quality through stormwater management.

1 To further assist with stormwater retention and incorporate green building practices, 5,437 SF of
2 intensive green/blue roofs will be incorporated into the second floor of the proposed structure.
3 Additional stormwater treatment and timing of quantity release will be addressed through the use of
4 green/blue roofs, hydrodynamic separators, and below grade retention chambers as further developed
5 and designed through the site plan application. As part of this process, deep test holes and percolation
6 rates in accordance with Appendix D of the NYSDEC Stormwater Management Design Manual may
7 be required.

8 The Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps
9 (FIRMs) that indicate areas of flood risk. These maps establish that the Project Site is not within the
10 500-year flood zone or the 100-year flood zone. Development of the Project Site per the proposed
11 Concept Plans, or through any alternative development application, will require demonstration both
12 qualitatively and quantitatively that the new development will not create any downstream flooding
13 within the Town's stormwater system, or on roadways and private properties.

14 *Wastewater*

16 The Project Site is located within the North Greeley Sewer District, operated by the Town of New
17 Castle. Currently, wastewater from the Property runs through a 6" diameter service line to a County-
18 owned sewer main located near the northerly side of the Property. The County's sewer main consists
19 of a 12-inch diameter cast iron pipe.

20 In 2020, the Town analyzed determine the capacity of the wastewater system in the Chappaqua hamlet
21 and confirmed that there is an 8-inch diameter, Town-owned cast iron pipe adjacent to the Project
22 Site. Further, this study calculated that the North Greeley Sewer District has an estimated total
23 existing sewer flow of 15,225 gallons per day (gpd), with a total estimated existing peak flow of
24 60,900 gpd. The Town's analyses confirmed there is unused capacity within the North Greeley Sewer
25 District.

26 The proposed Building represented in the Concept Plans is expected to generate 8,300 gpd of
27 domestic wastewater. It is anticipated that the generated wastewater will continue to enter the County-
28 owned sewer main. The sanitary sewer needs will be further developed in accordance with the
29 requirements of the New York State Department of Environmental Conservation (NYSDEC) and the
30 *Ten State Recommended Standards for Wastewater Facilities*, latest edition as the site plan evolves.
31 If additional sewer capacity is needed with respect to the Concept Plans or any alternative
32 development, connection to the Town system may occur. Information pertaining to the Concept Plans
33 indicate that consideration of inflow and infiltration at a rate of 3:1 will be conducted to increase
34 capacity if necessary. A comprehensive sanitary sewer system analysis will be conducted as part of
35 Special Permit application and site plan development for the Concept Plans or any alternative
36 development pursuant to the NG-Zero Special Permit legislation.

1 *Drinking Water*

2 The Property is located in the New Castle/Stanwood Consolidated Water District. The New Castle
3 water system relies on the New York City aqueduct and reservoir systems for its entire drinking water
4 supply. This system had not experienced any restrictions on the Catskill reservoir source between
5 2013 and 2018. According to the 2019 New Castle Drinking Water Quality Report, during 2019, the
6 Catskill Reservoir experienced several restrictions, and the Town used the Croton Reservoir source
7 as well.

8 The New Castle water system serves an estimated 16,800 people. The Town-wide water distribution
9 system consists of 120 miles of underground water mains varying in size from 4” to 24” in diameter,
10 approximately 1,333 fire hydrants, 3 million gallons of ground level storage located in 4 storage tanks,
11 and 5,536 metered customer connections. As detailed in the Town’s annual water report, during 2019,
12 New Castle withdrew 1,116.159 million gallons (MG) of raw water from the Catskill Aqueduct
13 System and 73.220 MG from the Croton Aqueduct System.

14 The 8-inch diameter water main located along North Greeley Avenue and serving the Property is
15 owned and operated by the Town of New Castle Public Works Department (DPW). DPW staff
16 assigned to water supply (Water Unit) ensures compliance with all federal and state monitoring and
17 reporting requirements for the water system. The DPW staff maintain and repair the water mains,
18 fire hydrants, pump stations and residential water meters.

19 Recent water infrastructure upgrades in the Chappaqua hamlet (completed in 2020) improved water
20 flow to all areas of the hamlet. As documented by the Town’s consultant in 2020, it is estimated that
21 the existing average daily water demand in the hamlet is approximately 11,096 gpd. The Applicant
22 estimates that its proposed Building would create an increased demand of water of approximately
23 8,300 gpd. This additional demand can be accommodated by the existing system, which is estimated
24 to have an average daily taking from the New York City Aqueduct and Reservoir system of
25 approximately 3.41 million gallons per day (MGD). During site plan review, the Applicant will be
26 required to perform a hydrant flow test to determine pressure and flow.

27 Based on the foregoing information and analyses, any development considered pursuant to the
28 Proposed Action or Project will not have any significant adverse environmental impacts with
29 respect to stormwater, wastewater or drinking water. Compliance with the Town Code and
30 development of a SWPPP, as well as the Applicant’s preparation of a comprehensive sanitary sewer
31 system analysis and a water system engineer’s report during Special Permit and site plan review, will
32 identify any improvements to the existing water systems that may be warranted.

33 4. Air

34 The Proposed Action will establish a special permit to facilitate redevelopment of the Property in a
35 manner that will reduce impacts on air in accordance with the Concept Plans. The Concept Plans

1 proposes a 4-story, mixed use building with 50 residential apartment units and approximately 6,415
2 SF of first-floor commercial use. Any proposed redevelopment plan would also require a similar
3 mixed-use building. None of the uses include a state-regulated air emissions source. Redevelopment
4 of the Property in accordance with the Concept Plans, or any alternative development plan, would
5 also result in the replacement of the existing fossil-fuel heating plant at the Property with a carbon-
6 neutral system. As such, the Proposed action and Project will not have any significant adverse
7 environmental impacts on air quality.

8 9 5. Plants and Animals

10 In its current state, the Property is essentially fully developed with an existing commercial structure
11 and surface parking lot. The Project Site contains approximately 31,909 SF (88%) of impervious area
12 with no natural habitats, flora or fauna. The Concept Plans call for, among other things,
13 implementation of landscaped planters along the front of the site, increasing the landscaped buffer
14 along the rear of the Property, and implementing 5,437 SF of intensive green/blue roofs in the form
15 of gardens which are to be incorporated into the second floor of the proposed Building. Similar
16 requirements would be required with respect to any proposed development of the Property pursuant
17 to the NG-Zero Special Permit.

18 Based upon the foregoing, the Proposed Action and Project will not have a significant adverse
19 environmental impact on plants or animals.

20 6. Agricultural Resources

21
22 The Proposed Action applies only to the Property which is located within a multi-use business district
23 in the Chappaqua hamlet. There are no agricultural lands in the Chappaqua hamlet. As such, the
24 Proposed Action and Project will not have a significant adverse environmental impact on agricultural
25 resources.

26 7. Aesthetic Resources

27 The existing commercial structure on the Property was built in or around 1968 and has no
28 distinguishable architectural or aesthetic qualities. The easterly elevation of the existing structure is
29 an uninterrupted and nearly windowless 1-story wall that is setback approximately 8-feet from the
30 curb. There are no benches or outdoor public seating areas on the Property.

31 The Project that would result in its replacement is a 4-story, mixed-use residential building as
32 represented in the Concept Plans. The Project also calls for replacing the existing surface parking lot
33 on the Property, which currently covers more than half of the Project Site, with a parking area located
34 behind the new ground floor commercial uses in the proposed Building, where it would no longer be
35 visible from the street.

1 Immediately south of the Property is a two-story commercial building with a retail food use (Susan
 2 Lawrence) on the ground floor. To the west, the Property abuts the Metro-North railroad tracks. Joan
 3 Corwin Way, a Town road, runs parallel to the Metro-North tracks through an industrial zone with
 4 uses that include the New Castle Department of Public Works, a commercial building with surface
 5 parking, and the Chappaqua Transportation bus garage. On the east side of North Greeley Avenue,
 6 there are one, two- and three-story residential houses, some of which have been converted to
 7 commercial uses. These houses have viewsheds that encompass the existing commercial building
 8 and large asphalt parking lot on the Project Site. There are no scenic viewsheds proximate to the Project
 9 Site.

10 On King Street (NYS Route 120), northwest of its intersection with North Greeley, there are
 11 residential townhomes and commercial uses. Due to existing topography, the aforementioned
 12 townhomes are situated higher than the Project Site. For the townhomes, this topography creates
 13 western views of the existing asphalt parking and one-story building on the Property, the Metro-North
 14 railroad tracks, and various uses and structures on Joan Corwin Way. Beyond this immediate
 15 viewshed, there is a forested hillside as depicted in the photographs below.



Existing Conditions View



Proposed Concept Plan View

16 Source: Concept Plan renderings

17 The Project as represented in the Concept Plans would improve these viewsheds and aesthetic
 18 characteristics in several material respects. The proposed Building includes a stepped back street-
 19 wall and public spaces designed to activate the street and create a better pedestrian experience and
 20 aesthetic than currently exists today. Among other things, the Concept Plans include the use of
 21 awnings, outdoor seating, planters, and bike racks. The proposed Building would screen the Metro-
 22 North railroad tracks (and passing trains) from North Greeley Avenue and nearby properties.

23 The proposed Building will also have second story planted courtyards. The rear views of the
 24 aforementioned townhomes that currently overlook the asphalt parking lot on the Property and the

1 industrial uses behind it will instead have views of the green roof on the proposed Building
2 backdropped by the forested hillside.

3 Pursuant to the NG-Zero Special Permit legislation, a shadow study is required to illustrate the
4 potential impact of the longest shadows that would be cast by the proposed Building to the east,
5 towards the existing single-family homes and businesses. The NG-Zero Special Permit legislation
6 also requires the submission of a visual impact analysis describing what the proposed Building would
7 look like in context of existing land uses. During the aforementioned public hearing, the Applicant
8 presented the results of a shadow study, furnished a scale model of the proposed Building that
9 appropriately placed it in the context of the existing land uses and topography in the Chappaqua
10 hamlet, and provided a computer- generated augmented reality video depicting the pedestrian
11 experience and views of the proposed Building from various perspectives. The Town Board spent
12 considerable time reviewing these materials and weighing the thoughtful input it received from the
13 Working Group and others on this important issue. Recognizing the differences of opinion that
14 emerged during the course of its review, the Town Board nevertheless finds that the size, massing and
15 design of the Building will not create a significant adverse environmental impact on aesthetics
16 resources.

17
18 Town Zoning Code §60-420.B provides that any application for a NG-Zero Special Permit will be
19 required to meet the following requirement general conditions and standards applicable to all special
20 permits that must be complied with:

21 (2) The location and size of the use, the nature and intensity of
22 the operations involved in it or conducted in the connection with it,
23 the size of the site in relation to it and the location of the site, with
24 respect to streets giving access to it, are such that they will be in
25 harmony with the appropriate and orderly development of the
26 district in which located.

27 (3) The location, nature and height of buildings, walls and
28 fences and the nature and extent of existing or proposed plantings
29 on the site are such that the use will not hinder or discourage the
30 appropriate development and use of adjacent land and buildings.

31 Any alternative development application will be required to comply with these requirements to ensure
32 that a proposed development application is in harmony with the appropriate and orderly development
33 of the Chappaqua hamlet and that the location, nature and height of buildings, walls and fences
34 and the nature and extent of existing or proposed plantings on the site are such that the use will not
35 hinder or discourage the appropriate development and use of adjacent land and buildings

36 Based upon the foregoing, the Proposed Action and Project can be expected to result in changed
37 viewsheds, but no significant adverse environmental impacts with respect to aesthetic resources.

1 8. Historic and Archeological Resources

2 Historic resources help contribute to the Chappaqua hamlet's existing character. The Horace Greeley
3 House, the Chappaqua Railroad Station depot building, A.H. Memorial Park, and the Church of Saint
4 Mary the Virgin, are located within walking distance of the Project Site.

5 In its current condition, however, the Property does not contribute to the historic characteristics of the
6 Chappaqua hamlet. The Property is fully developed with a nondescript 1-story commercial structure
7 and large surface parking lot. In its current, vacant condition, the Property can reasonably be
8 described as an eyesore and detriment to the North Greeley corridor. The Office of Parks, Recreation
9 and Historic Preservation (OPRHP) has advised that there are no neighboring properties, including
10 archaeological and/or historic resources, listed in or eligible for the New York State and National
11 Registers of Historic Places that will be impacted by the Project. The Property has no known
12 archeological resources or significance.

13 For these reasons, there are no potential significant adverse impacts to historic and archeological
14 resources arising from the Proposed Action and Project as represented in the Concept Plans.

15 9. Open Space and Recreation

16 At present, the Property is fully developed with approximately 31,909 SF (88%) of impervious area
17 consisting of a commercial building and asphalt parking lot. The Property is not designated as open
18 space by the Town of New Castle has offers no recreational or open space amenities.

19 The Concept Plans include features that will create new open space amenities along North Greeley
20 Avenue by enhance the visual, aesthetic and pedestrian experience, such as widening the sidewalk
21 from approximately 8 to 18 feet, adding benches, landscaping and public seating areas. The Project
22 Site is situated within walking distance to the Town-owned Recreation Field, the fields associated
23 with the Bell School, and the Route 120 sidewalk. The Town is working towards creating a multi-use
24 trail way that would connect the Chappaqua hamlet to Chappaqua Crossing. These recreational
25 opportunities will not be adversely impacted by the development of the Property in accordance with
26 the Concept Plan and will be available to new residents of the proposed Building.

27 Outside the Chappaqua hamlet, all residents are able to take advantage of the 760 acres of Town-
28 owned recreation and park land, as well as 330 acres of County park land and 310 acres of State park
29 land within the Town of New Castle. In total, the Town has over 4,240 acres of parks, recreation and
30 open space lands available to all residents and visitors alike. The American Planning Association
31 (APA) has studied the appropriate amount of open space per person and established a minimum
32 recommended standard of one acre of open space per 100 residents. Applying this standard to the
33 Town of New Castle's population of approximately 18,000 residents yields a minimum of 180 acres
34 of open space. In fact, the Town Castle provides almost 24 times more than the APA standard would

1 suggest. As such, there are ample open space and recreational opportunities for future residents of
2 the Property.

3 For these reasons, there is no significant adverse environmental impact to open space and recreation
4 arising from the Proposed Action and Project.

5

6 10. Impact on Critical Environmental Areas

7

8 The Proposed Action applies to property located within a multi-use business hamlet. There are no
9 identified Critical Environmental Areas (CEAs) within or adjacent to the Project Site. As such, the
10 Proposed Action and Project will not have a significant adverse environmental impact on Critical
11 Environmental Areas.

12 11. Parking and Traffic Circulation

13

14 *Parking*

15 The Proposed Action includes revised off-street parking and loading standards which update the
16 current parking and loading standards found within § 60-420F.(3)(a) of the New Castle Town Code.
17 The parking standards contained within the Town Code were last updated in 1977. In 1977 the
18 Institute of Transportation Engineers (ITE) utilized modeling to formulate their recommendations
19 contained within their Parking General Manual. The most recent release of the ITE Parking
20 Generation Manual, 5th Edition has the benefit of being based on “real data” for downtown
21 development in proximity to rail transit. This has revealed a change to the amount of required parking
22 for residential, multi-family housing, commercial use and office use (including medical office use).
23 As such, the following parking requirements have been included within the Proposed Action which
24 overall reduce the amount of residential, commercial and office parking required:

25

Residential, Multi-Family	1 space per unit if on-site car share is provided. If no on-site car share is provided parking shall be:		1 2 3
Rental	Studio	.85/DU	4 5
	1-Bedroom	1.1/ DU	6 7
	2-Bedroom	1.4/ DU	8 9
Retail	2.8 spaces per each 1,000 SF		10 11
Restaurant	10 spaces per each 1,000 SF		12 13
Office	2.8 spaces per each 1,000 SF		14 15
Medical Office	3.3 spaces per each 1,000 SF		16 17

18 The Concept Plans include developing 52 parking spaces and one loading space on the ground/first
 19 floor of the proposed Building. Each residential unit (50) would have one parking space on the ground
 20 floor. Two (2) parking spaces would be allocated for an on-site car share service. The Concept Plans
 21 propose 3,145 square feet of restaurant use and 3,270 square feet of retail use. Consistent with the
 22 standards as contained within the Proposed Action, this would require 31.45 parking spaces for
 23 the restaurant use and 9.2 parking spaces for the retail use. A total of 41 parking spaces would be
 24 needed for the commercial uses associated with the Concept Plans.

25 The Applicant’s professional consultant, AKRF, conducted a parking study and collected traffic data
 26 in connection with the concept plans which presents a mixed-use, transit-oriented development
 27 (TOD) at the project site. The parking study examined the availability of parking spaces during the
 28 weekday midday (11:00 AM-1:00 PM) and evening (6:00 PM - 8:00 PM) when the demand for
 29 commercial parking would peak in conjunction with commuter parking demand. The number of
 30 vehicles parked on-street and in the public surface lots (North Greeley Avenue, Allen Place and South
 31 Greeley Avenue), including the Chappaqua Metro-North Train Station, as well as the number of
 32 available spaces, within both a 5- minute and 10-minute walk of the proposed Building were collected.

33 AKRF’s analysis revealed that during the midday period there was an average parking utilization of
 34 68 percent, with an average of 125 parking spaces available within a 5-minute walk from the proposed
 35 Building. The evening period has an average parking utilization of 22 percent with an average of 329
 36 spaces available within a 5- minute walk. The results of this parking analysis quantitatively show that
 37 the maximum parking utilization within the surveyed periods is approximately 74 percent during the
 38 weekday midday period. The typical threshold for parking at capacity within a downtown area is 85
 39 percent, at which time vehicles would be recirculating and searching for parking. The maximum

1 parking utilization of 74 percent is below the 85 percent capacity threshold, indicating that parking in
2 the area is below capacity, leaving room for additional parking. As such, during both the midday and
3 evening time periods, there is sufficient public parking to accommodate the commercial uses
4 associated with the concept plans.

5 In the early 1960's the Town of New Castle established the Business Retail Parking District (B-RP),
6 for an area at that time known as the Chappaqua Business District, to identify parking for the hamlet's
7 businesses. The process, which is still in effect today, involves waiving the number of off-street
8 parking and loading spaces where a property owner/applicant has voluntarily offered to dedicate to
9 the parking district or the Town of New Castle an easement over the entire designated
10 parking/loading/circulation/setback area on the site proposed for development. Over time, this has
11 enabled the Town of New Castle to establish public parking lots. As long as the existing uses are not
12 enlarged (requiring more parking spaces), the property owners may continue to park within those
13 parking lots.

14 The Town also has an established tax district to assist with maintenance of the parking lots. A 2009
15 Local Law amended the boundary of the B-RP zoning district to include the subject property.
16 However, the Property was not included in the taxing district, as the use at that time maintained its
17 own parking lot. The parking district currently maintains 468 parking spaces, not including the 1,379
18 parking spaces located in the parking lots surrounding Metro-North which are available for parking
19 from 6:00 PM to 6:00 AM Monday through Friday and all day on weekends and holidays.
20 Maintenance for the district parking spaces is handled by the New Castle Department of Public
21 Works. The taxing district pays for the necessary maintenance.

22 The Property is within the Business-Retail Parking (B-RP) zoning district. Historically, all parking
23 for the Property has been accommodated on site, and the Concept Plans represent that all residential
24 parking requirements for the Project will be met on site. However, 41 parking spaces in relation to
25 the proposed commercial use on the Project Site must be accommodated within the Chappaqua
26 Hamlet Parking District.

27 The Applicant has demonstrated there is current capacity within the Parking District and the Train
28 Station parking lots to accommodate the needed commercial parking for the site. Specifically, the
29 Applicant conducted several days of study to determine parking availability within a 5-minute and a
30 10-minute walking distance from the subject site. The Applicant has concluded that there are 79
31 parking spaces available on average during the midday peak hours (11:00 AM- 1:00PM) and 1,350
32 parking spaces available during the evening peak hours (6:00 PM - 8:00 PM).

33 In addition, the Concept Plans represent a Transportation Oriented Development ("TOD") whereby
34 multi-family housing is established within a walkable, mixed-use community in proximity to mass
35 transit. A TOD is expected to reduce the need for vehicle usage and parking. Given the Project Site's

1 proximity to downtown businesses and the train station, it is reasonable to anticipate a modest
2 reduction in vehicle usage.

3 Given that the Property will require a significant number of off-site parking spaces to accommodate
4 the proposed uses associated with the Project, the NG-Zero Special permit legislation includes a
5 payment-in-lieu of parking provision that will require the Applicant to pay a proportionate share of
6 the maintenance costs for these additional off-site parking spaces on a yearly basis.

7 *Traffic Circulation*

8 Access for the proposed development would continue to be from North Greeley Avenue. North
9 Greeley Avenue is that portion of the roadway north of the King Street and Greeley Avenue
10 intersection. This roadway varies in width from nine (9) to eleven (11) feet. North Greeley has a
11 posted speed limit of 30 mph and there is one travel lane in each direction. There is on-street parking
12 along both sides of the roadway.

13 As a result of the Streetscape and Infrastructure Project, the North/South Greeley Avenue at King
14 Street intersection was reconstructed to remove the “slip” lane heading east on King Street, replacing
15 this slip lane with a traditional “T” intersection and a dedicated right turn lane. The intersection now
16 includes a signal with pedestrian phasing, new sidewalks and crosswalks. Reconfiguration of this
17 intersection enabled the expansion of a public plaza at the corner of King Street and South Greeley
18 Avenue. In connection with the Streetscape and Infrastructure project and confirmed by Traffic
19 Engineers at Kimley-Horn of New York, P.C., the Town of New Castle conducted capacity analysis
20 of the intersections in the Chappaqua Hamlet. All of the intersections at that time operated at an
21 acceptable Level of Service (B). Individual movements within the intersections, with one exception,
22 also operated acceptably. At the Quaker Road western triangle intersection, the northbound left-turn
23 movement operates at a LOS “E” which includes a 45.6 second delay. Forecasted increases in
24 existing traffic volumes were conducted to the Year 2034 and all intersections were predicted to
25 operate at level-of-service “C” or better. Without any new development, there will be generally minor
26 increases in the overall delay at all intersections of approximately 3.4 seconds or less. Individual
27 movements at the intersections compared to existing conditions show a minor increase in delay of 5.0
28 seconds or less. Three exceptions to this minor increase in delay include:

- 29 • The South Greeley Avenue unsignalized intersection with Woodburn Avenue, delays
30 on the eastbound Woodburn Avenue approach will increase by 11.2 seconds
31 precipitating a change in LOS from “D” under existing conditions to LOS “E” given
32 the forecasted increases to 2034;
- 33 • The Quaker Road westernmost triangle intersection, the Stop-controlled approach will
34 see delays increase by 31.2 seconds, resulting in a change in LOS from “E” under
35 existing conditions to “F” given the forecasted increases to 2034;

- 1 • The King Street signalized intersection with North Bedford Road, delays on the
2 northbound left-turn movement will increase by 10.4 seconds precipitating a change
3 in LOS from “B” under existing conditions to LOS “C” given the forecasted increases.
4 However, it should be noted that even with the delay increase, the left-turn movement
5 will continue to operate acceptably.

6 The 2034 capacity analysis also provided recommended traffic mitigation measures to be considered
7 at the above noted intersections to alleviate traffic congestion. These mitigations include
8 reconfiguration of the triangle, installation of a traffic signal and northbound left-turn lane, and
9 implementation of pedestrian improvements at the Quaker Road/South Greeley Avenue intersection;
10 At the South Greeley Avenue/Woodburn Avenue intersection the proposed mitigation at this
11 intersection would include installation of a traffic signal including pedestrian crossing improvements;
12 At the King Street/North Bedford Road/Memorial Drive intersection installation of a full southbound
13 right-turn lane and crosswalks, as well as pedestrian signal indications is also anticipated. At that time
14 installation of sidewalks throughout various locations including North Greeley Avenue, King Street
15 and Bedford Road (the west side of North Greeley Avenue north of the Post Office; the south side of
16 King Street between Senter Street and St John’s Place; the north side of King Street between Poillon
17 Drive and NYS 117; the west side of NYS117 north of King Street; the east side of NYS117 on the
18 NYS 120 overlap was also identified.

19 It was recommended at the time of the study that traffic operating conditions at these key locations be
20 monitored and studied over-time and, on a case-by-case basis, as future development is proposed and
21 constructed. The Applicant analyzed traffic circulation at the North/South Greeley Avenue and King
22 Street Intersection as the project site is in proximity and will most likely affect this intersection. The
23 Applicant’s analysis targeted the weekday PM peak hour and the Saturday peak hour. This
24 intersection was upgraded and signalized with new striping and pedestrian improvements in 2019, as
25 affiliated with the New Castle Streetscape and Infrastructure Upgrade Project. Data regarding traffic
26 circulation in September 2019 was compared to the Applicant’s 2023 traffic volumes. A general
27 increase in traffic counts in 2023 was shown during the PM peak hour. Specifically, AKRF
28 documented that there would be 31 new vehicle trips during the weekday AM peak hour, 18 new
29 vehicle trips during the weekday PM peak hour, and 24 new vehicle trips during the Saturday peak
30 hour.

31 Creighton Manning reviewed AKRF’s parking and traffic circulation analysis and confirmed that the
32 results as indicated previously are accurate. Further, Creighton Manning noted that “in accordance
33 with the Institute of Transportation Engineers (ITE) publication titled *Transportation Impact Analysis
34 for Site Development*, a development would need to generate an additional 100 vehicle trips in a peak
35 hour to change the level of service (LOS) on an intersection approach. Based on this guidance, the
36 proposed development will not have a significant adverse impact on the LOS operations on the
37 roadway network.

1 Creighton Manning, similar to the Town's previous traffic consultants, noted that while a singular
2 project will not have significant impact on the roadway network, back-ground growth in traffic and
3 any potential future development may result in cumulative traffic impacts. As such, it has been
4 recommended that the Town consider implementing a fair-share program whereby land use applicants
5 contribute to future infrastructure improvements based upon any additional traffic generated by their
6 proposed development. The Town Board will consider requiring the Applicant to make such a
7 contribution upon its submission of an application for an NG-Zero special permit.

8 Based upon the foregoing analyses and considerations, the Proposed Action and Project will not have
9 a significant adverse environmental impact on traffic circulation and parking.

10 12. Energy

11 The NG-Zero Special Permit legislation is intended to exceed the currently applicable Green
12 Building Code requirements in Chapter 74 of the New Castle Town Code. The proposed NG-Zero
13 Special Permit legislation requires any development on the property, including the Building, to be
14 designed and constructed as a net zero carbon building, constructed with green building practices
15 to minimize short-term and long-term negative impacts on the environment. All new construction
16 addressed by the International Energy Conservation Code must incorporate renewable energy
17 systems of adequate capacity to achieve net zero carbon, per the requirements of the 2021
18 International Energy Conservation Code (IECC) Appendix CC: Zero Energy Commercial
19 Building Provisions, as may be amended from time to time. All buildings developed pursuant to
20 the NG-Zero Special Permit legislation are required to minimize embodied carbon in building
21 products and materials and all buildings greater than 5,000 square feet must perform a whole
22 building life cycle assessment (WBLCA) of the project's structure and enclosure. The project
23 WBLCA must demonstrate a minimum 25% reduction in global warming potential (GWP)
24 compared to a typical baseline building. Where possible, material reuse (salvaged material) is
25 strongly encouraged, as these materials can be designated to have low/zero GWP.

26 Under the NG-Zero Special Permit legislation, the performance of any building developed on the
27 Property must be modeled and certified by a registered design professional as having interior
28 lighting systems, heating, cooling, ventilation, hot water systems, and a building envelope, that
29 together meet the energy efficiency requirements described in Internal Revenue Service Notices
30 2006-52, 2008-40, and 2012-26, or any newer version(s) issued and reduce the buildings total
31 annual energy and power costs by 50 percent or more over the minimum ANSI/ASHRAE/IE 90.1-
32 2022 energy standard or latest version using generally accepted proofing methods and technologies
33 which may include computer modeling but must include certification, and testing to verify that the
34 building's HVAC and energy systems meet the heightened energy efficiency standards required.

35 Energy and its associated carbon impacts of the Proposed Action fall into two categories:
36 Operational impacts associated with the period of the building's use by its occupants, attributed

1 primarily to the consumption of energy and water; and embodied impacts generated by processes
2 that contribute to the making of the building (the extraction and processing of raw materials,
3 transporting and assembly of materials and maintenance over time of the materials). The Building
4 proposed in the Concept Plans will include carbon neutral construction practices, resource
5 conservation, reduction of construction waste and reduction in the use of energy. A wide-range of
6 strategies will be put forth in the development of the project which include carbon-storing mass
7 timber structural systems, low-carbon concrete in foundations and retaining walls, high
8 performance building envelopes with continuous exterior insulation and airtight construction,
9 passive cross ventilation within residential units, on-site solar energy generation, all-electric
10 building services and equipment, and high-performance glazing,

11 Specifically, the proposed Building is to be constructed primarily of a mass timber structural
12 system, utilizing elements such as flue-laminated timber (GLT), laminated veneer lumber (LVL),
13 and cross-laminated timber (CLT). These products are industrially produced, prefabricated, large-
14 scale timber elements. The proposed Building will leverage the structural capacity and assembly
15 efficiencies if CLT panels in tandem with GLT and LVL frame elements. The exterior façade of
16 the proposed Building will utilize a number of environmentally conscious building materials such
17 as composite paper panels, thermally modified wood siding, upcycled and bio-based masonry
18 cladding.

19 The proposed high-performance Building would also pair on-site renewable energy generation
20 with bio-based construction materials that durably store carbon within the building envelope and
21 structure. The Building would be 100% electric, with no gas or fossil-fueled fired equipment or
22 appliances (except for emergency standby power) and would use sustainably harvested timber that
23 sequesters the carbon trees removed from the atmosphere.

24 A “solar green roof” or “biosolar roof” that would combine planted surfaces with power or heat
25 generating solar elements is proposed. This green roof would be a mixture of intensive and semi-
26 intensive green roof systems for the second story residential courtyards. These surfaces would be
27 readily accessible for maintenance and irrigation, and the more robust green roof assembly would
28 be used in tandem with on-site stormwater retention systems to reduce the site’s impervious
29 surface coverage. Additionally, the intensive roof systems would allow for taller vegetation,
30 increasing the courtyard plantings’ visibility from North Greeley Avenue and surrounding
31 properties. In contrast, the fourth story sloping roofs oriented perpendicular to North Greeley
32 Avenue would be equipped with extensive green roof systems and low-maintenance, drought
33 resistant vegetation. These roof surfaces would also be equipped with solar power generating
34 systems, which work in tandem with the extensive plantings to create a mutually beneficial system.
35 Similar green roof systems would be required for any development application submitted under
36 the NG-Zero Special Permit legislation.

1 For these reasons, the Proposed Action and Project will not have a significant adverse environmental
2 impact on energy.

3
4 13. Community Character

5 As mentioned above, the existing commercial structure on the Property was built in or around 1968
6 and does not make a positive contribution to the community character and qualities of the Chappaqua
7 hamlet. To the contrary, in its current condition, the Property can reasonably be described as an
8 eyesore and detriment to the North Greeley corridor.

9 The community character and qualities of the Chappaqua hamlet are enhanced by several historically
10 important and architecturally notable buildings, including the Horace Greeley House and the
11 Chappaqua Railroad Station depot building. That said, the Chappaqua hamlet is generally
12 characterized as having a variety of commercial buildings of different ages and architectural styles.
13 The proposed Building, as represented in the Concept Plan, is distinguished by a more modern
14 architecture styling, in part due to its incorporation of green building materials and processes. In the
15 Town Board’s view, the design and architectural styling of the proposed Building is well-executed
16 and complementary in terms of community character relative to existing uses in the Chappaqua
17 hamlet.

18 The proposed Building is 4-stories with peak roof heights ranging from 42’4” ft to 54’10”. This
19 marks a substantial departure from the maximum height allowable in the underlying zoning district
20 (B-RP), and the Town Board carefully considered whether the height and massing of the proposed
21 Building was appropriate for the Project Site and North Greeley corridor. The Town Board
22 concludes that the Concept Plans demonstrate that the horizontal mass of the proposed Building
23 will be mitigated through the use of courtyard areas over the ground floor as well as the
24 incorporation of public spaces along the sidewalk, as depicted in the drawing below.



25
26
27 The length of the site is over 400-feet. To avoid a continuous street wall along North Greeley, the
28 proposed Building will be stepped back creating an activated streetscape, awnings, outdoor
29 seating, planters, bike racks, elevated planted courtyards, and a green roof as exemplified in the
30 picture below.



PROPOSED DEVELOPMENT - VIEW FROM THE SOUTHEAST

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

In sum, the features of the Concept Plans establish that the proposed Building will not have a significant adverse environmental impact with respect to community character. The Project will certainly change the appearance of the North Greeley corridor, but the change does not constitute a significant adverse environmental impact.

Any proposed development under the NG-Zero Special Permit legislation would need to provide similar features to address impacts on the appearance of the North Greeley corridor. Specifically, Zoning Code §60-420.B(2) provides that any application for a NG-Zero Special Permit will be required to meet the following requirement general conditions: “The location and size of the use, the nature and intensity of the operations involved in it or conducted in the connection with it, the size of the site in relation to it and the location of the site, with respect to streets giving access to it, are such that they will be in harmony with the appropriate and orderly development of the district in which located.” In the event that an alternative proposed application for a NG-Zero Special Permit is submitted that is materially different than as set forth in the Concept Plans, with respect to design features or appearance will require a further environmental review and a revised environmental determination to ensure that there are no adverse impacts with respect to community character.

14. Consistency with Comprehensive Plan

As set forth in the NG-Zero Special Permit legislation, its underlying purpose is to “facilitate the redevelopment of a large vacant property on North Greeley in the Chappaqua hamlet as a mixed-use, multifamily residential building that would 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...” As set forth below, this purpose squarely aligns with and furthers many of the central goals of the Town’s 2017 New Castle Comprehensive Plan. The Town Board’s goals with respect to the Project Site also align with

1 the policy framework of the *American Planning Association's Comprehensive Plan Standards for*
2 *Sustaining Places* (APA Standards).

3 The APA Standards create an interdisciplinary approach to understanding the challenges and
4 opportunities of New Castle. The plan discusses the Livable Built Environment, which ensures that
5 all elements of the built environment, including land use, transportation, housing, energy and
6 infrastructure, work together to provide sustainable, green places for living, working and recreating
7 with a high quality of life. The plan addresses Harmony with Nature, which focusses on the
8 contributions of natural resources to human well-being and ensures that they are explicitly recognized
9 and valued and that health is a primary objective. Resilient Economy is an aspect of the plan that
10 ensures that the community is prepared to deal with both positive and negative change in its economic
11 health and to imitate sustainable urban development and redevelopment strategies that foster green
12 business growth and build reliance on local assets. The plan discusses Interwoven Equity which
13 ensures fairness and equity in providing for housing services, health, safety and livelihood needs of
14 all residents and groups. Health Community ensures that public health needs are recognized and
15 addressed through the provision of healthy foods, physical activity, access to recreation, health care,
16 environmental justice and safe neighborhoods. Lastly, the plan recognizes Responsible Regionalism
17 which ensures that all local proposals account for, connect with and support the plans of adjacent
18 jurisdictions and the surrounding region.

19 Specific goals of the plan help promote a vibrant and walkable downtown; help promote diversity and
20 affordability of housing types, require environmentally friendly forms of residential development;
21 promote carbon-neutral construction practices; promote resource conservation; promote reduction of
22 construction waste; promote reduction in energy use; and promote access to public transportation,
23 bicycle, and pedestrian infrastructure.” A detailed discussion of each goal and its relationship to the
24 proposed action includes the following:

25 *Goal 2. Locate higher density residential development in the hamlets, with density of*
26 *development decreasing as distance from hamlet centers increases.*

27 This goal relates to allowing higher density residential (not mixed-use) development in areas
28 immediately surrounding the hamlets while maintaining the residential character of the
29 neighborhoods. The goal suggests revising the zoning code and considering alternative zoning
30 approaches for areas within the hamlets and associated transition areas. Regulations should be revised
31 to allow for development, while ensuring it does not disrupt the single-family residential character of
32 the adjacent neighborhoods and should include guidance regarding the appropriate scale, density and
33 housing type.

34 The Proposed Action specifically locates an NG-Zero Special Permit project within the commercial
35 hamlet and not within a residential neighborhood. Specific guidance (such as location, type of use,
36 green building requirements, energy use specificity, and maximum allowable height) is contained

1 with the draft legislation to shape the development. The Concept Plans also incorporate these
2 requirements in its proposed design. As such, the Proposed Action and Project are consistent with this
3 goal.

4 *Goal 3. Facilitate a range of housing types that are affordable to a diverse residential*
5 *population in the hamlets and surrounding areas.*

6 Facilitating a range of housing options in or in the hamlets or surrounding areas would provide a
7 diverse set of residents, from young professionals and low-income families to workforce and senior
8 populations, with access to amenities and services. The Town Code was recently updated to better
9 encourage the provision of mixed-use, multi-family, condominiums, townhouses, senior and
10 workforce housing, and accessory dwelling units in such areas as part of infill and mixed-use
11 developments. The Plan called for determining whether existing percentages should be increased
12 and/or expanded to apply to mixed-use development. Recent changes to the Town Code per this goal
13 requires the provision of 10% AFFH housing for developments of 10 or more units in new multi-
14 family developments in Business-Retail, Business-Retail Parking and all residential zoning districts.

15 The Proposed Action is consistent with this goal as the legislation requires a development project to
16 adhere to the AFFH requirements within the New Castle Town Code and further requires that
17 developments of 10 or more units must provide no less than 12% AFFH units with an alternative of
18 10% AFFH and 2% workforce housing. In addition, the Concept Plans include studio, one-bedroom
19 and two-bedroom apartment units, further promoting a diversity in housing type to be attractive to a
20 diverse population.

21 *Goal 4. Provide a range of housing types that are affordable to a diverse residential*
22 *population throughout the community where supported by this Plan.*

23 This goal encourages the development of alternative housing options available to households with a
24 range of income levels, targeting housing legislation (i.e. zoning) and development incentives to be
25 incorporated into the Town Code. Similar to Goal 3, this goal requires examination of the existing
26 percentages of affordable housing but also encourages price point and housing type variation in all
27 zoning districts. To maintain New Castle's bucolic, single-family residential character outside its
28 business hamlets, all new housing units should be consistent with the character, aesthetic and scale of
29 the neighborhood within which they will be located. Large-scale residential development of any kind
30 in more remote, undeveloped areas of the town faces a myriad of challenges, including but not limited
31 to the following: (i) significant environmental constraints (such as sensitive wetlands and wetland
32 buffers, steep slopes, public drinking water watersheds and aquifers); (ii) the lack of existing
33 infrastructure (such as public water and sewer utilities, substandard roads in terms of surface, width,
34 drainage and sight lines); (iii) little or no access to public transportation; and (iv) limited fire protection
35 when public water is unavailable. Alternative housing should be developed as part of infill and
36 mixed-use developments in the Town's hamlets and surrounding areas.

1 The Proposed Action meets with the intention of this goal as the NG-Zero legislation promotes a
2 higher-density development in a specific location within the Chappaqua hamlet, rather than in a
3 lower-density area with environmental sensitivities and no infrastructure (sewer, water, public
4 transportation, etc.).

5 *Goal 5. Encourage the placement of housing units of various economic value*
6 *throughout new multi-family and mixed-use developments (i.e. market rate units next*
7 *to workforce/affordable units).*

8 Based on current housing demands and economic conditions, the Town requires that a certain
9 percentage of units in all new multi-family housing developments and mixed-use buildings be
10 affordable, and that these units are interspersed throughout those of higher value. Indeed, the Town
11 has maintained such development requirements for over decade.

12 The Proposed Concept plans contain floor layouts of the studio, one- and two-bedroom apartment
13 units. The proposed AFFH and workforce housing relates to 10 units of AFFH housing, with four of
14 the units to be available to those making 60% of the Westchester Average Median Income and would
15 be marketed as workforce housing. These units are dispersed among the market-rate units on each of
16 the floors.

17 *Goal 14. Promote development in areas with existing infrastructure over areas with*
18 *limited or no infrastructure service.*

19 This goal is intended to limit development in more areas of Town that are characterized by
20 environmentally sensitive conditions, biotic / naturally existing corridors, and other constraints on
21 responsible and sustainable development. Infill development should be promoted in areas with
22 existing infrastructure.

23 Consistent with this goal, the Proposed Action contains specific locational requirements for a NG-
24 Zero Special Permit application which effectively limits its application to the Property. As discussed
25 above, the Property is already fully developed and located in the Business-Retail and Parking zoning
26 district with access to public sewer and water infrastructure.

27 *Goal 15. Protect and maintain the Town's environmentally sensitive areas and*
28 *natural resources.*

29 The Town's environmentally sensitive areas and natural resources include its wetlands, wildlife, open
30 space corridors, steep slopes, watersheds, rivers and streams, lakes and ponds, trees and forests, flood
31 plains, aquifers (potable and non-potable), special rock outcrops, view sheds/scenic vistas and
32 ridgelines. The Proposed Action directs development to occur on a property within the Chappaqua
33 hamlet that does not have any environmentally sensitive areas or natural resources. The Concept Plans

1 comply with these requirements. As such the Proposed Action and Project are consistent with this
2 goal.

3 *Goal 19. Mitigate the negative impacts of stormwater runoff and plan for a lasting*
4 *potable water supply.*

5 This goal recommends that all new developments include green infrastructure (GI) features, which
6 not only help to reduce flooding and offset stormwater loading on existing drainage infrastructure,
7 but also help to facilitate a natural filtration process and improve water quality.

8 The Proposed Action contains requirements that all developments include green infrastructure
9 practices to control stormwater. The Concept Plans also incorporate these requirements in its proposed
10 design. As such, the Proposed Action and Project are consistent with this goal of the plan.

11 *Goal 20. Encourage water conservation and reuse.*

12 The Town of New Castle’s favorable geographic location within the Hudson River Valley makes it
13 rich with water. However, it is still important that the Town and its residents use water resources
14 intelligently. Projected impacts of climate change in New York State include an increase in frequency
15 of short-term droughts “with weeks of dry conditions punctuated by rains too intense for parched soils
16 to absorb.” Water conservation measures such as adjusting the timing of outdoor sprinkler systems
17 or installation of low-flow shower heads can help to conserve water in dry summer months, or when
18 a “short-term drought” lasts longer than expected.

19 The Proposed Action includes a heightened energy efficient building standard which requires a
20 reduction in a building’s annual energy and power costs by 50 percent or more over the minimum
21 energy standard which will include water conservation devices. Raingardens and green roofs have
22 been incorporated into the Concept Plans. The Concept Plans also incorporate these requirements in
23 its proposed design. As such, the Proposed Action and Project are consistent with this goal.

24 *Goal 22. Ensure sustainable construction and design of buildings to minimize their*
25 *environmental impact throughout their lifecycle.*

26 The way in which a building is designed, constructed, operated and maintained determines its impact
27 on the natural environment, as well as on the building’s occupants, for its entire lifecycle. Green
28 buildings are designed and operated to be resource-efficient, to generate less waste and pollution, and
29 to serve as healthy environments for occupants. Green buildings can also provide economic benefits
30 (e.g. reduced energy costs, higher home values) well into the future. Buildings in New Castle should
31 be as high-performing and as sustainable as possible.

32 The Proposed Action includes requirements that any development project must minimize on-site
33 generation of carbon emissions, minimize operational carbon emissions and minimize embodied

1 carbon in building products and materials. The Concept Plans also incorporate these requirements in
2 its proposed design.

3 *Goal 25. Reduce the Town's carbon footprint, encourage climate change adaptation*
4 *measures, minimize energy demand and promote the use of alternative energy.*

5 Local municipalities are susceptible to climate change, but also have a unique opportunity to both
6 mitigate and adapt to its effects. Mitigation measures are those that decrease a community's
7 greenhouse gas emissions and carbon footprint. These measures, which span from smart land use to
8 energy efficiency techniques to renewable energy installations, will decrease long term spending,
9 enhance the resiliency of all infrastructure and have a net positive impact on the environment.

10 The Proposed Action will facilitate a development project that incorporates green building practices
11 designed to minimize the short-term and long-term negative impacts on the environment. In addition
12 to meeting the Town's green building code, the Project will minimize on-site generation of carbon
13 emissions, minimize operation carbon emissions, and minimize embodied carbon. Heightened
14 energy efficiency standards must also be adhered to and will result in a state-of-the art building that
15 can serve as a model for future development within the Town and elsewhere. The Proposed Action is
16 therefore consistent with this goal.

17 *Goal 26. Create a sustainable mix of commercial and residential uses within the*
18 *hamlets.*

19 A "sustainable mix of commercial and residential uses" refers to the balance of both of these uses in
20 the hamlets so that one supports the other. Increased opportunities for housing in the hamlets not only
21 provide businesses with a built-in customer base, but they also provide residents with immediate
22 access to the hamlet's amenities, services and transportation opportunities. Commercial, retail and
23 business establishments should enable Town residents to fulfill their daily needs, and should include
24 the provision of leisure and entertainment opportunities.

25 The Proposed Action allows for a mixed-use development which requires first floor commercial use
26 and allows up to three additional floors of residential use. The Concept Plans would create 6,415 SF
27 of commercial-retail space on the ground floor of a development project with three floors of studio,
28 one-and two-bedroom units above the ground floor. Fifty (50) new residential units will be created.
29 These residences, combined with new commercial space will provide an opportunity to balance
30 residential and commercial needs in the hamlet. As such the Proposed Action and Project are
31 consistent with this goal.

32 *Goal 27. Create vibrant and walkable mixed-use areas in the hamlets that are well*
33 *connected to public transit.*

1 Hamlet streetscapes should be designed for use by and catered towards pedestrians to encourage
2 gathering, interacting and shop patronage. The hamlets should be made as walkable as possible, and
3 streetscapes should favor walking over driving.

4 Currently, the Project Site is a parking lot and vacant one-story commercial building located in the
5 northern most portion of the property. The proposed Building, as presented in the Concept Plans, will
6 create a much more favorable walking environment for pedestrians. The Concept Plans include
7 creation of 4,975 SF of public space on the ground floor adjacent to the sidewalk. The Concept Plans
8 also include widening of the sidewalk and amenities such as plantings and benches. These attributes
9 align the Proposed Action and Project with this goal.

10
11 Based on the foregoing findings, the Proposed Action and Project are consistent with the
12 Town Comprehensive Plan.

13
14 15. Socioeconomics

15
16 *Housing*

17 As explained above, consistent with the Town's Comprehensive Plan, the Project would add to the
18 Town's supply of affordable housing. The Concept plans would add a minimum of 10 affordable
19 residential units, with six (6) of the units being affordable for those making 60% of the Westchester
20 County Average Median Income, and four (4) units meeting the household income eligibility
21 standards for workforce housing. Based upon this percentage (20%) of affordable units and the
22 relatively limited scale of the Project, the redevelopment of the Project Site does not present a
23 material, non-speculative risk of indirect residential displacement, *i.e.*, by inducing increases to
24 existing residential rents in the Chappaqua hamlet.

25 *Jobs and Employment*

26
27 The Proposed Action will bring significant private investment to the North Greeley corridor and will
28 result in the creation of temporary construction and permanent jobs. This temporary and permanent
29 job creation – direct, as well as indirect and induced – is important to the overall economic health of
30 the Chappaqua hamlet. The addition of a restaurant at the Property would address a longstanding
31 demand within the community for such uses. The Project is not expected to displace any existing
32 businesses in the Chappaqua hamlet.

33 For those reasons, the Proposed Action and Project will not have a significant adverse environmental
34 impact on socioeconomics.

1 16. Community Services and Utilities

2 *Educational Facilities*

3 Citing a study of enrollment trends prepared by the Chappaqua Central School District (“CCSD”) in
 4 2021,² the Applicant estimates that the Project will increase CCSD enrollment by approximately 11
 5 students. This slight increase would not create any significant adverse impacts upon the CCSD, which
 6 reported having a total in-district student enrollment of 3,574 students for the 2022/2023 school year.
 7 CCSD enrollment has generally declined or remained flat since peaking at 4,254 students in
 8 2007/2008. In the aforementioned study, CCSD assessed that its existing district-wide functional
 9 capacity is 4,518 students across its six schools.

10 *Emergency Services*

11 Given its relatively limited scale, the Proposed Action and Project would not adversely impact the
 12 services provided by the Town’s first responders (*i.e.*, the New Castle Police Department, Chappaqua
 13 Fire Department, and Chappaqua Volunteer Ambulance Corps). The Town previously assessed, for
 14 example, that the New Castle Police Department would need to hire one (1) additional police officer
 15 only after an increase of approximately 380-400 new residents. A development pursuant to the
 16 Proposed Action, including the Project, does not approach this level of density.

17 For those reasons, the Proposed Action and Project will not have a significant adverse environmental
 18 impact on community services and utilities.

19 17. Air, Noise, Odor and Light

20
 21 *Air, Noise and Odor*

22 The Project as represented in the Concept Plans does not require federal or state air emission
 23 permits. Typically, construction activities associated with demolition, excavation, and grading result
 24 in temporary air quality impacts. For example, there is the potential for fugitive dust to be created
 25 during demolition and site preparation. Construction vehicles will emit noise, exhaust fumes and
 26 certain air pollutants. Air quality in the area, however, is not expected to be significantly
 27 impacted by such construction activities and will be temporary and confined to the Property. No
 28 blasting is expected as part of the site preparation or construction scope. Construction activities
 29 are not anticipated to generate any noxious odors.

30 Moreover, the Concept Plans represent that the proposed Building will be constructed using
 31 prefabricated mass timber components that will reduce the overall timeline of construction,

² See Chappaqua Central School District Enrollment and Capacity Analysis, prepared for the Chappaqua Central school District by ESI, KG&D and The Chazen Companies, dated January 13, 2021.

1 minimize the number of construction workers actively working on site, and reduce the number
2 of noise-generating equipment typically found on construction sites. Any short-term impacts to
3 air quality will cease upon project completion. Construction will be conducted in accordance
4 with all applicable federal, state and local statutes, laws, rules, regulations, and codes.

5 Operationally, the noise emitted by the proposed Building are permitted under the Town's zoning
6 code and similar to those of adjacent properties, which include mixed-use buildings with ground
7 floor commercial or retail spaces and upper level multifamily and office uses. The rhythm and
8 intensity of noise levels generated from the proposed Building are expected to be synchronous
9 with the existing neighborhood. Additionally, the proposed Building would create an audio buffer
10 between the Metro-North railroad tracks and neighboring projects to the east of North Greeley,
11 modestly reducing the noise pollution generated by passing trains.

12 The ground floor restaurant, diner, or food-service space proposed by the Applicant can be
13 expected to emit odors during operation, but the proposed restaurant space would not significantly
14 increase existing odors within the neighborhood which includes other restaurants and retail food
15 establishments.

16 Any alternative development under the NG-Zero Special Permit legislation will also be required
17 to minimize air, noise and odor consistent with the requirements in Section 60-430.B(4) which
18 state that "[o]perations in connection with any special use will not be more objectionable to
19 nearby properties by reason of noise, fumes, vibrations or other characteristics than would be the
20 operations of every permitted use not requiring a special permit."

21 *Light*

22 Exterior lighting of the Property after development per the Concept Plans will be consistent with
23 typical lighting in the Chappaqua hamlet, and shall be of a type, location, and shading that will
24 prevent spillover into adjacent properties. The proposed Building would feature dark sky
25 compliant exterior lighting, as well as vegetation along the public sidewalk, side yards, and
26 exterior courtyards to minimize light spillage onto neighboring properties and North Greeley
27 Avenue. The Building would be designed with three inward-facing courtyards, which would
28 minimize light spillage outside of the Property by internalizing any incidental light spillage
29 through windows and landscape features. The on-site parking spaces would be located within the
30 building structure, concealing the parking lighting and vehicle headlights from the view of any
31 neighboring properties. Similar requirements with respect to lighting will be required with respect
32 to any proposed development of the Property pursuant to the NG-Zero Special Permit legislation.

33 For these reasons, the Proposed Action and Project will not have a significant adverse
34 environmental impact with respect to air quality, noise, odor or light.

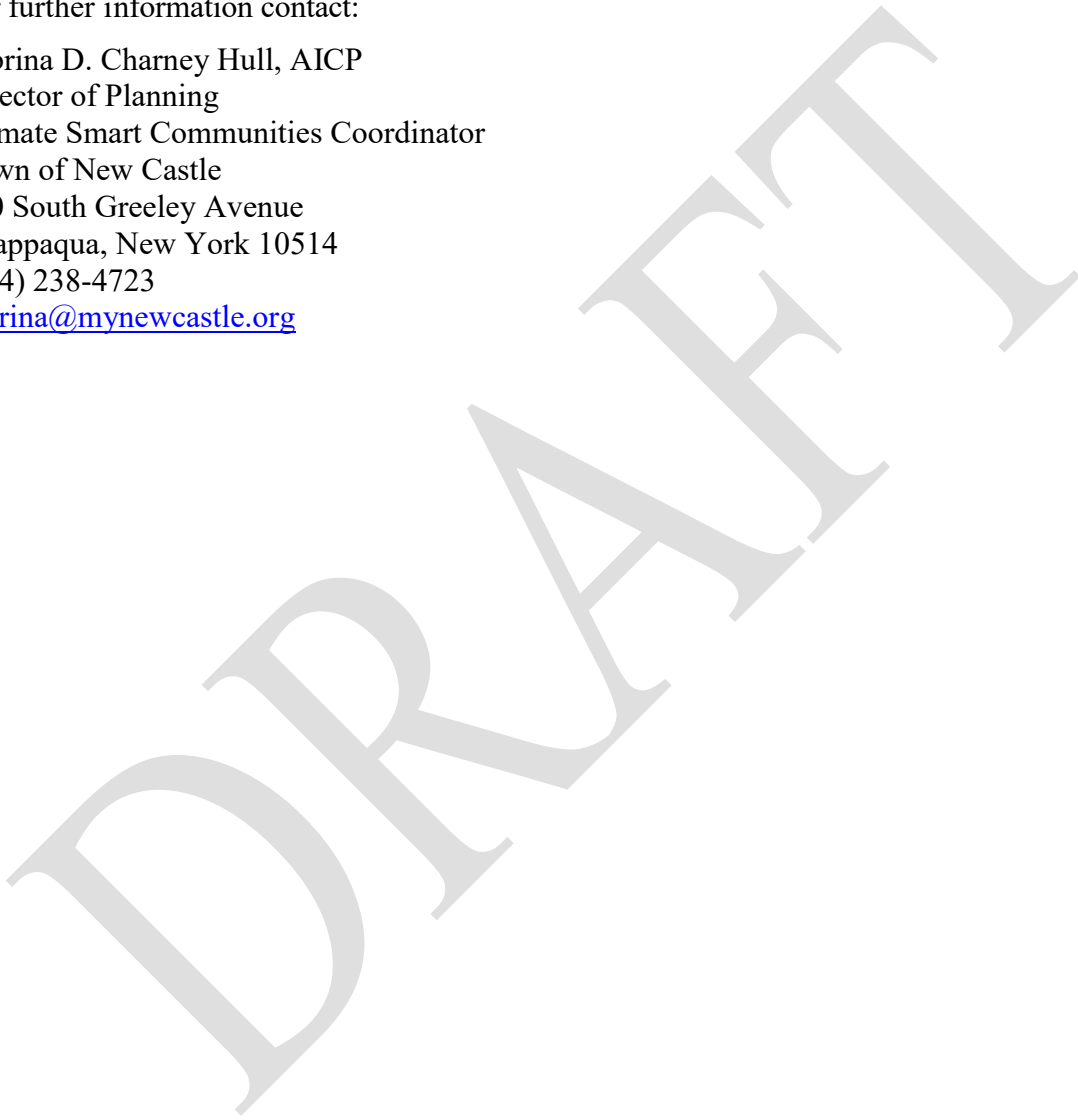
35

Conclusion

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

For these reasons, the Town Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement needs to be prepared and that the Town Board’s SEQRA review is complete.

For further information contact:
Sabrina D. Charney Hull, AICP
Director of Planning
Climate Smart Communities Coordinator
Town of New Castle
200 South Greeley Avenue
Chappaqua, New York 10514
(914) 238-4723
sabrina@mynewcastle.org



50 North Greeley Avenue

Concept Plans

September 22, 2023



DOWNTOWN CHAPPAQUA
EXISTING



DOWNTOWN CHAPPAQUA
50 NORTH GREELEY



SITE STRATEGY
EXISTING SITE



SITE STRATEGY
GROUND LEVEL

50 N GREELEY, CHAPPAQUA NY | GRAY ORGANSCHI ARCHITECTURE

- RETAIL SPACE
- AMENITY SPACE
- SERVICE SPACE



SECTION THROUGH NORTH GREELEY
PROPOSED



NORTH GREELEY ELEVATION
PROPOSED

50 N GREELEY, CHAPPAQUA NY | GRAY ORGANSCHI ARCHITECTURE



SECTION THROUGH NORTH GREELEY
PROPOSED



ENGINEERED WOOD SIDING



RUNNING BOND BRICK CLADDING



EXPOSED TIMBER STRUCTURE



FACADE MATERIAL PALETTE
PROPOSED



PROPOSED BUILDING
VIEW FROM NORTH GREELEY



PROPOSED BUILDING
VIEW OF GROUND LEVEL CAFE



PROPOSED BUILDING
VIEW FROM AN ELEVATED COURTYARD



PROPOSED BUILDING
VIEW FROM THE SOUTHEAST



SOUTH AERIAL VIEW
EXISTING



SOUTH AERIAL VIEW
PROPOSED



SOUTH AERIAL VIEW
EXISTING



SOUTH AERIAL VIEW
PROPOSED



NORTH AERIAL VIEW
EXISTING



NORTH AERIAL VIEW
PROPOSED



ZONING DATA

LOCATION:
PROJECT ADDRESS: 50 N GREELEY AVE, CHAPPAQUA, NY, 10514
TAX ID: SECTION 100.11 / BLOCK 2 / LOT 1

ZONING DESIGNATION:
ZONING DESIGNATION: BRP
ZONING USE GROUP: P / RESIDENTIAL, MULTI-FAMILY

BULK REQUIREMENTS:
PROPOSED FRONT YARD SETBACK: 0'-0"
PROPOSED MIN SIDEYARD SETBACK: 5'-0"
PROPOSED MAX SIDEYARD SETBACK: 35'-0"
PROPOSED REAR YARD SETBACK: 8'-0"
PROPOSED MAX HEIGHT: 50' (CALCULATED AS MEAN OF PITCHED ROOF)

ZONING LOT AREA: 36,532 SF / 0.838 ACRES

PROPOSED GROSS FLOOR AREA: 81,898 GSF (ENCLOSED)

PROPERTY STREET FRONTAGE: 417' (ALONG NORTH GREELEY AVE)
PROPOSED STREET WALL: 279' (WITHIN 10' OF PUBLIC SIDEWALK)
PROPOSED MAX. SINGLE WALL: 79'

PARKING AND SPACE REQS:
PROPOSED PARKING RATIO: 1 SPACE / RES. UNIT

PROPOSED RESIDENTIAL PARKING: 50 SPACES (1 SPACE / RES. UNIT)
PROPOSED SHARED PARKING: 2 SPACES
PROPOSED COMMERCIAL PARKING: 0 SPACES
PROPOSED SERVICE TEMP. PARKING: 1 SPACE
TOTAL PROPOSED PARKING: 52 SPACES + 1 LOADING SPACE

MIN. COMMON AMENITY SPACE: 2,500 SF (50 SF / UNIT)
PROPOSED AMENITY SPACE: 6,210 SF (GYM + LOUNGES + BICYCLE STORAGE)

MIN. USABLE OPEN SPACE: 2,500 SF (50 SF / UNIT)
PROPOSED USABLE OPEN SPACE: 12,315 SF (COURTS + COURTYARDS + BALCONIES)

IMPERVIOUS / PERVIOUS COVERAGE:
EXISTING RATIO: 88% (31,909 SF IMPERVIOUS)
PROPOSED RATIO: 68% (24,840 SF IMPERVIOUS W/ GREEN COURTYARDS)

BUILDING CODE DATA

OCCUPANCY CLASSIFICATION:
PRIMARY: RESIDENTIAL (R-2)
SECONDARY: MERCANTILE (M), ASSEMBLY (A-2), STORAGE (S-2)

CONSTRUCTION TYPE:
PROPOSED: TYPE V-A

ALLOWABLE HEIGHT: 70' ABOVE GRADE (EQUIPPED WITH AUTOMATIC SPRINKLER)
PROPOSED HEIGHT: 50' MAX. AVERAGE HEIGHT

ALLOWABLE STORIES: 4
PROPOSED STORIES: 4

ALLOWABLE MAX AREA: 36,000 SF PER FLOOR (EQUIPPED WITH AUTOMATIC SPRINKLER)
PROPOSED MAX AREA: 23,331 GSF PER FLOOR (INCLUDES ENCLOSED BALCONIES)

LEVEL 1 11,905 GSF
RETAIL 6,415 SF
AMENITY 2,750 SF
PARKING 15,420 SF (NOT INCLUDED IN FLOOR TOTAL)

LEVEL 2 23,331 GSF
STUDIO 2 UNITS
UNIT 1BR 6 UNITS
UNIT 2BR 8 UNITS
AMENITY 1,780 SF
COURTYARD 5,425 SF (NOT INCLUDED IN FLOOR TOTAL)

LEVEL 3 23,331 GSF
STUDIO 3 UNITS
UNIT 1BR 6 UNITS
UNIT 2BR 8 UNITS
AMENITY 840 SF

LEVEL 4 23,331 GSF
STUDIO 3 UNITS
UNIT 1BR 6 UNITS
UNIT 2BR 8 UNITS
AMENITY 840 SF

UNIT MATRIX:
STUDIOS: 612 GSF 8 UNITS
1 BR UNITS: 765 GSF 18 UNITS
2 BR UNITS: 1,230 GSF 24 UNITS

TOTAL UNITS: 50 UNITS

SITE ANALYSIS

ZONING / BUILDING DATA

REVISED

9:31 am, Aug 02, 2023



PUBLIC COURT
2,350 SF

RETAIL SPACE
2,220 SF

PUBLIC COURT
1,000 SF

RETAIL SPACE
1,850 SF

RETAIL SPACE
1,400 SF

PUBLIC COURT
625 SF

'ARCADE' SPACE
945 SF

24' WIDE
DRIVEWAY

PUBLIC COURT
1,000 SF

LOADING
SPACE

LEVEL 1 - PROPOSED
REVISED COMMERCIAL, PARKING, AND PUBLIC SPACE

50 N GREELEY, CHAPPAQUA NY | GRAY ORGANSCHI ARCHITECTURE

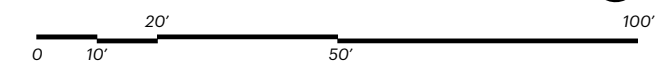
PROPOSED PARKING SPACES

50 RESIDENTIAL SPACES

2 SHARED VEHICLE SPACES

1 LOADING SPACE

- RETAIL SPACE 6,415 SF
- LOBBY + AMENITY 2,750 SF
- PUBLIC SPACE 4,975 SF

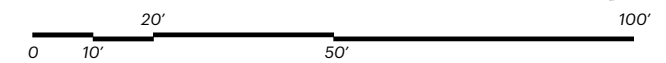




LEVEL 2-4 - ORIGINAL
TYPICAL APARTMENT PLAN

50 N GREELEY, CHAPPAQUA NY | GRAY ORGANSCHI ARCHITECTURE

- 2 BR APARTMENT 8 PER FLOOR
- 1 BR APARTMENT 6 PER FLOOR
- PUBLIC SPACE





LEVEL 2 - PROPOSED
REVISED APARTMENT PLAN

50 N GREELEY, CHAPPAQUA NY | GRAY ORGANSCHI ARCHITECTURE

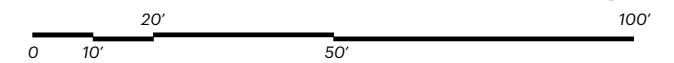
PROPOSED AFFORDABLE + WORKFORCE

5 STUDIO APARTMENTS

3 1BR APARTMENTS

2 2BR APARTMENTS

- 2 BR APARTMENT 8 UNITS
- 1 BR APARTMENT 6 UNITS
- STUDIO APARTMENT 2 UNITS
- AMENITY SPACE 1,780 SF





LEVEL 3 - PROPOSED
REVISED APARTMENT PLAN

50 N GREELEY, CHAPPAQUA NY | GRAY ORGANSCHI ARCHITECTURE

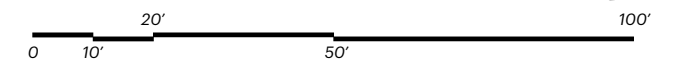
PROPOSED AFFORDABLE + WORKFORCE

5 STUDIO APARTMENTS

3 1BR APARTMENTS

2 2BR APARTMENTS

- 2 BR APARTMENT 8 UNITS
- 1 BR APARTMENT 6 UNITS
- STUDIO APARTMENT 3 UNITS
- AMENITY SPACE 840 SF





LEVEL 4 - PROPOSED
REVISED APARTMENT PLAN

50 N GREELEY, CHAPPAQUA NY | GRAY ORGANSCHI ARCHITECTURE

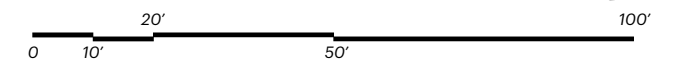
PROPOSED AFFORDABLE + WORKFORCE

5 STUDIO APARTMENTS

3 1BR APARTMENTS

2 2BR APARTMENTS

- 2 BR APARTMENT 8 UNITS
- 1 BR APARTMENT 6 UNITS
- STUDIO APARTMENT 3 UNITS
- AMENITY SPACE 840 SF



RESOLUTION

EXTRACT FROM THE MINUTES OF A REGULAR MEETING
OF THE TOWN OF NEW CASTLE TOWN BOARD
October XX, 2023

PRESENT: Supervisor Lisa S. Katz
Deputy Supervisor Victoria Tipp
Council Member Alley Chemtob
Council Member Holly McCall
Council Member Jeremy Saland

ALSO PRESENT: Jill Simon Shapiro, Town Administrator
Robert Deary, Deputy Town Administrator/Comptroller
Sabrina Charney Hull, AICP, Director of Planning
Christina Papes, Town Clerk
Eric Gordon, Esq., Counsel to the Board

Local Law Creating NG-Zero Special Permit 2023-X

After due discussion and deliberation, on motion by ---- seconded by ---- and unanimously carried, the following resolution was adopted:

WHEREAS, application was made to the Town Board of the Town of New Castle (the “Town Board”) by FFLP Holding, 50 North Greeley LLC (the “Applicant”), as owner of a 0.83 Acre property located at 50 North Greeley Avenue (the “Project Site” or “Property”) and known as Tax Map Parcel No. 100.11-2-1, submitted a zoning change petition and supporting documentation to the Town Board proposing the amendment of the Town Zoning Code (the “Proposed Action”) to facilitate the redevelopment of the Property (the “Project”). Specifically, the Applicant proposed adding a new provision to Town Code §60-430.O that would establish a new special permit for a mixed-use, residential building (the “Building”) that would significantly exceed current energy efficiency standards and serve as a model for sustainable development. This new special use permit would be known as the “NG-Zero Special Permit.”; and

WHEREAS, the original form of local law introducing the NG-Zero Special Permit legislation was originally introduced on November 8, 2022, and revised on February 16, 2023, March 10, 2023 and June 16, 2023. The final version of the local law creating the NG-Zero Special Permit was submitted for the Town Board’s consideration on August 4, 2023; and

WHEREAS, the proposed legislation includes unique characteristics that would be required to obtain the NG-Zero Special Permit which include, but are not limited to, the following:

- Site requirements regarding location and size of parcel;
- Limitations on the number of bedrooms per unit;
- 12% AFFH units for projects greater than 10 units. In addition, the new special permit will allow for 2% of the 12% AFFH to qualify as workforce housing units;
- A provision for off-street bicycle and e-bike/scooter storage;
- Required ground floor retail/commercial uses which shall consist of at least 4,000 square feet of public facing retail or restaurant space;
- Incorporation of green infrastructure practices;
- Undergrounding of utilities;
- Reduced parking requirements and the ability to incorporate on-site car share services;
- Incorporation of green building practices designed to minimize short-term and long-term negative impacts on the environment which include no carbon-based fuel fired equipment or appliances; minimization of operational carbon emissions, including incorporation of renewable energy systems and minimization of embodied carbon in building products and materials;
- Incorporation of energy-efficient building standards which require modeling and certification in relation to lighting systems, heating, cooling, ventilation, hot water systems and the building envelope;
- Building design requirements which include features to enhance the visual aesthetic and pedestrian experience;

- A limit setting the maximum building height to 50-feet or 4 stories;
- Incorporation of low-impact ecologically conscious construction techniques and construction management practices; and

WHEREAS, pursuant to Town Zoning Code §60-420.B(1)-(5), any application for a NG-Zero Special Permit will be required to meet the following requirement general conditions and standards applicable to all special permits:

- (1) In a residence district, the proposed use will serve a community need or convenience.
- (2) The location and size of the use, the nature and intensity of the operations involved in it or conducted in the connection with it, the size of the site in relation to it and the location of the site, with respect to streets giving access to it, are such that they will be in harmony with the appropriate and orderly development of the district in which located.
- (3) The location, nature and height of buildings, walls and fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (4) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibrations or other characteristics than would be the operations of every permitted use not requiring a special permit.
- (5) Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum and adequate safety.

WHEREAS, along with its zoning petition, the Applicant also submitted a proposed concept plan (the “Concept Plan”) to demonstrate how the Project would revitalize and activate the street on North Greeley Avenue with restaurant and retail uses and outdoor amenities, such as public spaces and seating. The Concept Plan enabled the Town Board to assess how the proposed legislation would establish a project that would embody the intent of the legislation and contribute to the visual character and qualities of the surrounding neighborhood in terms of its massing, height, articulation, and impacts upon viewsheds; and

WHEREAS, the proposed legislation is intended to facilitate the redevelopment of the Project Site pursuant to the Concept Plan. No other properties in the Town of New Castle are eligible for a NG-Zero Special Permit. The legislation contains provisions that are tailored to reflect the essential features, characteristics, exterior dimensions, and articulation of the proposed building and site layout, as depicted in the Concept Plan; and

WHEREAS, the proposed building is a high-performance (net zero carbon emissions), 4-story structure constructed primarily of a mass timber framing system, utilizing elements such as flue-laminated timber (GLT), laminated veneer lumber (LVL), and cross-laminated timber (CLT). These products are industrially produced, prefabricated, large-scale timber elements. The proposed Building will leverage the structural capacity and assembly efficiencies of CLT panels, in tandem with GLT and LVL frame elements. The façade of the proposed Building will utilize a number of environmentally conscious materials, such as composite paper panels, thermally modified wood siding, upcycled and bio-based masonry cladding; and

WHEREAS, the Concept Plan reflects the intent of the NG-Zero Special Permit legislation being considered herein and have been appended to this resolution; and

WHEREAS, any alternative development plan would also be required to be a high-performance (net zero carbon emissions) that meets all other environmental standards in the NG-Zero Special Permit legislation as determined by the Town Board; and

WHEREAS, the Project, as proposed by the Applicant, initially included 42 residential dwelling units; approximately 5,145 square feet of retail use; 2,475 square feet of lobby and amenity space; 4,850 square feet of public space; 52 on-site parking spaces and one loading space. Four parking spaces would be reserved for a car-sharing service, 42 spaces would be dedicated to the residential units (one parking space per unit) five (5) spaces would be reserved for the commercial use and one (1) space would be allocated as temporary service parking. The residential units would be rental units and consist of 24 two-bedroom units; and 18 one-bedroom units; and

WHEREAS, in accordance with the legislation, the Applicant proposed six (6) dwelling units (12% of the 42-unit total) would qualify as Affordable Affirmatively Furthering Fair Housing (“AFFH”) units. Two (2) of the six (6) dwelling units would qualify as Workforce Housing units within the meaning of Town Code § 60-210; and

WHEREAS, the Town Board received and reviewed a Full Environmental Assessment Form in connection with the Proposed Action, together with a panoply of other materials and reports prepared by the Applicant’s professional consultants. These materials included the following:

- Letter from FFLP Holding 50 North Greeley LLC (by Don Feinberg), dated November 22, 2021;
- Presentation to the New Castle Town Board, prepared by Gray Organschi Architecture, dated June 22, 2022;
- Letter from Philip E. Karmel, Esq. of Bryan, Cave Leighton, Paisner LLP, dated September 20, 2022;
- Special Use Permit Application received September 20, 2022;
- Full Environmental Assessment Form Part 1, dated September 16, 2022;
- Proposed B-RP Special Permit legislation, dated September 19, 2022 ;
- Plan titled “Cover (G0.00)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Site Survey (G0.01)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Level 1 Plan (A1.00)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Level 2 Plan (A1.01)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Level 3 Plan (A1.02)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Level 4 Plan (A1.03)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Elevations (A2.00)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Shadow Study (A3.00)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Cover Sheet (CS001) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Existing Conditions & Site Removal Plan (CD101) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Site Layout and Utility Plan (CS101) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Grading and Drainage Plan (GC101) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;

- Plan titled “Erosion & Sediment Control Plan (CE101) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Details (CS501) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Zoning Data/Building Code Data” prepared by Gray Organschi Architecture, dated September 19, 2022;
- Presentation slide “Downtown Chappaqua” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Site Strategy” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Existing Conditions” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Level 1” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Level 2-4 Typical Multifamily” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Roof Plan” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Section Through North Greeley Proposed” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “North Greeley Elevation Proposed” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Section Through North Greeley Proposed (Close-up)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Façade Material Palette Proposed” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Mass Timber Construction (Acme Timber Lofts)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Mass Timber Construction (Acme Timber Lofts)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Proposed Building (View from North Greeley)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Proposed Building (View of Ground Level Cafe)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Proposed Building (View from an Elevated Court Yard)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Proposed Building (View from the Southeast)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “South Aerial View (Existing)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “South Aerial View (Proposed)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide titled “Zoning Data/Building Code Data” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Document titled “Assessment of Potential Project Impacts” dated November 23, 2022;

- Video depicting augmented reality model, dated May 9, 2023;
- Presentation slide “Downtown Chappaqua” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Existing Conditions” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Level 1” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Level 2-4 Typical Multifamily” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Roof Plan” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “South Aerial View (Existing)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “South Aerial View (Proposed)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Aerial View (Existing)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Aerial View (Proposed)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Height Analysis (Downtown Chappaqua)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Height Analysis (+55’ From 50 NG Grade)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Height Analysis (+50’ From 50 NG Grade)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Height Analysis (+45’ From 50 NG Grade)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Greeley Elevation (Proposed)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Greeley Elevation (Proposed Maximum Building Height)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Greeley Elevation (Proposed Street Wall Elevations)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Greeley Elevation (Proposed Average Street Wall Height)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Section Through North Greeley (Proposed)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Proposed Building (View from North Greeley)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Proposed Building (View from Ground Level Cafe)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Proposed Building (View from Elevated Courtyard)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Proposed Building (View from the Southeast)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Building + Site Model (View from Southeast 1)” prepared by Gray Organschi Architecture, dated May 9, 2023;

- Presentation slide “Building + Site Model (View from Southeast 2)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Building + Site Model (View from East)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Building + Site Model (View from Northeast)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide titled “Zoning Data/Building Code Data” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Façade Material Palette Proposed” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Letter dated May 23, 2023 from Gray Organschi Architecture;
- Video Flight Path (two paths);
- Email from Jeffrey Davis, dated July 18, 2023, submitting revised plans;
- Plan titled “Level 1 (Original Commercial Parking and Public Space)” prepared by Gray Organschi Architecture, dated July 17, 2023;
- Plan titled “Level 1 (Proposed Revised Commercial Parking and Public Space)” prepared by Gray Organschi Architecture, dated July 17, 2023;
- Plan titled “Level 2-4 (Apartment Plan), prepared by Gray Organschi Architecture, dated July 17, 2023;
- Plan titled “Level 2-4 (Proposed Revised Apartment Plan), prepared by Gray Organschi Architecture, dated July 17, 2023;
- Memorandum re: 50 North Greeley Avenue Parking and Transportation Memorandum to Jeffrey Davis, Bear Development Holdings, LLC from Elaine Du, PE and Michael Beattie, PE, PTOE of AKRF Environmental Planning and Engineering Consultants, dated July 28, 2023;
- Plan titled “Level 1 (Original Commercial Parking and Public Space)” prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 1 (Proposed Revised Commercial Parking and Public Space)” prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 2-4 (Typical Apartment Plan), prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 2-4 (Proposed Revised Apartment Plan), prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 3 (Proposed Revised Apartment Plan), prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 4 (Proposed Revised Apartment Plan), prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Zoning Data/Building Code Data” prepared by Gray Organschi Architecture, dated August 2, 2023;
- Document titled “Assessment of Potential Project Impacts” dated August 3, 2023;
- Memorandum re: updated parking and transportation analysis from Elaine Du, PE and Michael Beattie, PE, PTOE of AKRF Environmental Planning and Engineering Consultants, dated August 4, 2023;

- Memorandum prepared by Andrew Ruff, Gray Organschi Architecture, dated September 19, 2023, responding to written and verbal public comments submitted at and prior to the September 12, 2023 public hearing; and
- Memorandum prepared by Nanette H. Bourne, Principal, NHB Planning Group, LLC dated September 18, 2023, responding to written and verbal public comments submitted at and prior to the September 12, 2023 public hearing.

WHEREAS, on June 22, 2022, the Town Board held its first meeting to consider the application and directed the Applicant to further compile the application material; and

WHEREAS, on November 22, 2022, the Tow Board adopted a resolution declaring its intent to act as Lead Agency: and

WHEREAS, on November 29, 2022, a notice containing the SEQRA Environmental Assessment Form and other application materials was delivered to Involved and Interested Agencies which included the Town of New Castle Planning Board and the Town of New Castle Board of Architectural Review. This notice and supporting documents was also sent to the Westchester County Department of Health, the Homeowner's Association for 149 King Street, The Town Historian and Chappaqua Historical Society, the Town of New Castle Chief of Police, the Metropolitan Transportation Authority, the Chappaqua Fire District, Millwood Fire District, and the Mount Kisco Volunteer Fire Department for comment, and

WHEREAS, during the course of the Town Board's review of this application, the Town Board received and considered written recommendations and input from the Westchester County Department of Planning, the Town of New Castle Planning Board, and other interested agencies. These submissions include the following:

- Letter dated from the Westchester County Planning Board dated March 31, 2023 pursuant to N.Y. GML § 239-m and West. Cty. Admin. Code § 277.61;
- Letter dated from the Westchester County Planning dated December 19, 2022 pursuant to N.Y. GML § 239-m and West. Cty. Admin. Code § 277.61;
- Memorandum dated March 13, 2023 from the New Castle Planning Board pursuant to Town Code § 60-600;
- Letter dated June 13, 2023 from the New Castle Sustainability Advisory Board; and
- Letter dated June 23, 2023 from the Chappaqua Fire Department.

WHEREAS, the Town Board opened the public hearing on the draft legislation on May 9, 2023, and thereafter continued the public hearing on the following dates:

- May 23, 2023;
- June 13, 2023;
- June 27, 2023;
- July 25, 2023;
- August 8, 2023; and
- September 12, 2023; and

WHEREAS, on September 12, 2023 the continued public hearing was held to discuss certain outstanding issues and submission material submitted by the applicant, the public, and Town Consultants. The public was also given an opportunity to be heard. The public hearing was closed at the end of this meeting, and the Town Board permitted an extension to submit additional written comments until October 2, 2023; and

WHEREAS, the Town Board heard and considered verbal and written comments made by members of the public over the course of the public hearing it conducted with respect to the proposed NG-Zero legislation; and

WHEREAS, on July 17, 2023 the Applicant, in response to public concerns regarding construction of luxury residences, submitted revised floor plans depicting inclusion of studio residential dwelling units in the proposed concept plan. Such plans included 50 residential dwelling

units; approximately 3,145 square feet of restaurant use; 3,270 square feet of retail use; 2,750 square feet of lobby and amenity space; 4,975 square feet of public space; 52 on-site parking spaces and one loading space. Two parking spaces would be reserved for a car-sharing service, and the remaining 50 spaces would be dedicated to the residential units (one parking space per unit). The residential units would be rental units and consist of 24 two-bedroom units; 18 one-bedroom units; and eight (8) studio apartments; and

WHEREAS, the Applicant's revised plans also indicated that due to the increase in the number and diversity of dwelling units (from 42 to 50) they would provide six (6) dwelling units (12% of the 50-unit total) to qualify as affordable Affirmatively Furthering Fair Housing ("AFFH") units, and provide an additional four (4) dwelling units that would qualify as Workforce Housing units within the meaning of Town Code § 60-210, as per the urging of the New Castle Town board. Thus, a total of ten (10) dwelling units (20% of the 50-unit total) would be affordable to households with a range of income levels that would generally fall below the area median income for Westchester County; and

WHEREAS, on October XX, 2023, based on an extensive review of the record consisting of the application, subsequent revisions to the application, the additional information submitted by the applicant and the applicant's consultants, the public and the public's professional representatives, Town Staff and consultant reports, and the Full Environmental Assessment Form dated September 16, 2022 ("EAF") as revised throughout this process, the Town Board made a determination that there are no potential significant adverse environmental impacts from the Proposed Action that have not already been addressed by the Applicant, and pursuant to Part 617 of the Regulations pertaining to SEQRA, adopted a Negative Declaration of Environmental Significance; and

NOW THEREFORE BE IT RESOLVED THAT, after due discussion and deliberation, the Town Board of Trustees of the Town of New Castle hereby adopts Local Law __ of 2023 adding a new provision to Town Code §60-430.O establishing a new special permit for a mixed-use, residential building (the "Building") that would significantly exceed current energy efficiency standards and serve as a model for sustainable development would be known as the "NG-Zero Special Permit" as set forth in the form of Local Law submitted to the Town Board dated August 4, 2023.

BE IT FURTHER RESOLVED THAT the Town Board finds that the Local Law adding the NG-Zero Special permit will be beneficial to the welfare of the community by encouraging energy efficient and sustainable development of the Property that would not otherwise be required under the current Town zoning code requirements, as well as promoting affordable and workforce housing measures that will also provide significant benefits to the community.

BE IT FURTHER RESOLVED THAT, the Town Board finds that the Concept Plan presented by the Applicant provides a model upon which it can rely as a basis for the proposed development of the Property, based on the following design features:

1. The Concept Plan depicts a site and proposed building as revised and re-submitted throughout the review of the NG-Zero Special Permit legislation which are attached hereto and made a part of this resolution and include:
 - a. Depiction of the proposed Building and reflect a stepped back street-wall and public spaces to activate the street, creating a pedestrian experience and aesthetic;
 - b. Inclusion of a second story planted courtyards and green rooftops;
 - c. Positioning the building in such a way that includes widening the sidewalk from approximately 8 to 18 feet, adding benches, landscaping, awnings and public seating areas;
 - d. Placing the ground floor parking spaces behind the first-floor commercial use;
 - e. Peak roof heights ranging from 42.4 feet to 54.10 feet;
 - f. Includes on-site renewable energy generation with bio-based construction materials that durably store carbon within the building envelope and structure;
 - g. A building that is 100% electric, with no gas or fossil-fuel fired equipment or appliances (except for emergency standby power) that would use sustainably harvested timber that sequesters the carbon trees remove from the atmosphere; and
2. Any application for an NG-Zero Special Permit will include the requirements as outlined in the legislation, and will comply with the findings set forth in the negative declaration which include but are not limited to the following:

- a. Geotechnical investigations/borings and analysis;
- b. Preparation of a Stormwater Pollution Prevention Plan;
- c. Compliance with Appendix D of the NYSDEC Stormwater Management Design Manual, if required;
- d. Demonstration both qualitatively and quantitatively that the new development will not create any downstream flooding within the Town's stormwater system or on roadways and private property;
- e. Providing a comprehensive sanitary sewer system analysis;
- f. Providing a water system engineer's report including a hydrant flow test;
- g. Monitoring of the shared parking spaces on an annual basis;
- h. Implementation of a payment-in-lieu of parking to utilize the Town Parking District for the proposed ground floor commercial uses;
- i. Contribution to a fair-share program regarding future infrastructure improvements when established.

BE IT FURTHER RESOLVED THAT, to the extent any architectural or design features included in the Concept Plan are not included in any application for a NG-Zero Special Permit at the Property, that it is recognized that pursuant to Town Code §60-430.B, when reviewing any Special Permit application the Town Board has discretion to require substantial compliance with such features, or require architectural or design features that are determined to be in harmony with the appropriate and orderly development of the North Greeley Avenue district and that will not hinder or discourage the appropriate development and use of adjacent land and buildings.

VOTE: AYES

NOES

DRAFT

RESOLUTION

EXTRACT FROM THE MINUTES OF A REGULAR MEETING
OF THE TOWN OF NEW CASTLE TOWN BOARD
October XX, 2023

PRESENT: Supervisor Lisa S. Katz
Deputy Supervisor Victoria Tipp
Council Member Alley Chemtob
Council Member Holly McCall
Council Member Jeremy Saland

ALSO PRESENT: Jill Simon Shapiro, Town Administrator
Robert Deary, Deputy Town Administrator/Comptroller
Sabrina Charney Hull, AICP, Director of Planning
Christina Papes, Town Clerk
Eric Gordon, Esq., Counsel to the Board

After due discussion and deliberation, on motion by ---- seconded by ---- and unanimously carried, the following resolution was adopted:

WHEREAS, application was made to the Town Board of the Town of New Castle (the “Town Board”) by FFLP Holding, 50 North Greeley LLC LLC (the “Applicant”), as owner of a 0.83 Acre property located at 50 North Greeley Avenue (the “Project Site” or “Property”) and known as Tax Map Parcel No. 100.11-2-1, submitted a zoning change petition and supporting documentation to the Town Board proposing the amendment of the Town Zoning Code (the “Proposed Action”) to facilitate the redevelopment of the Property (the “Project”). Specifically, the Applicant proposed adding a new provision to Town Code §60-430.O that would establish a new special permit for a mixed-use, residential building (the “Building”) that would significantly exceed current energy efficiency standards and serve as a model for sustainable development. This new special use permit would be known as the “NG-Zero Special Permit.”; and

WHEREAS, the original form of local law introducing the NG-Zero Special Permit legislation was originally introduced on November 8, 2022, and revised on February 16, 2023, March 10, 2023 and June 16, 2023. The final version of the local law creating the NG-Zero Special Permit was submitted for the Town Board’s consideration on August 4, 2023; and

WHEREAS, along with its zoning petition, the Applicant also submitted proposed concept plans (the “Concept Plans”) to demonstrate how the Project would revitalize and activate the street on North Greeley Avenue with restaurant and retail uses and outdoor amenities, such as public spaces and seating. The Concept Plan enabled the Town Board to assess how the proposed Building would contribute to the visual character and qualities of the surrounding neighborhood in terms of its massing, height, articulation, and impacts upon viewsheds; and

WHEREAS, the proposed NG-Zero Special Permit legislation includes unique characteristics that would be required in order for any proposed applicant to obtain the new special permit which include, but are not limited to, the following:

- Site requirements regarding location and size of parcel;
- Limitations on the number of bedrooms per unit;
- A minimum of 12% AFFH units for projects greater than 10 units. In addition, the new special permit will allow for a minimum of 2% of the 12% AFFH to qualify as workforce housing units;
- A provision for off-street bicycle and e-bike/scooter storage;
- Required ground floor retail/commercial uses which shall consist of at least 4,000 square feet of public facing retail or restaurant space;
- Incorporation of green infrastructure practices;
- Undergrounding of utilities;
- Reduced parking requirements and the ability to incorporate on-site car share services;
- Incorporation of green building practices designed to minimize short-term and long-term negative impacts on the environment which include no carbon-based fuel fired equipment or appliances; minimization of operational carbon emissions, including incorporation of

renewable energy systems and minimization of embodied carbon in building products and materials;

- Incorporation of energy-efficient building standards which require modeling and certification in relation to lighting systems, heating, cooling, ventilation, hot water systems and the building envelope;
- Building design requirements which include features to enhance the visual aesthetic and pedestrian experience;
- A limit setting the maximum building height to 50-feet or 4 stories;
- Incorporation of low-impact ecologically conscious construction techniques and construction management practices; and

WHEREAS, the Project, as proposed by the Applicant, includes 50 residential dwelling units; approximately 3,145 square feet of restaurant use; 3,270 square feet of retail use; 2,750 square feet of lobby and amenity space; 4,975 square feet of public space; 52 on-site parking spaces and one loading space. Two parking spaces would be reserved for a car-sharing service, and the remaining 50 spaces would be dedicated to the residential units (one parking space per unit). The residential units would be rental units and consist of 24 two-bedroom units; 18 one-bedroom units; and eight (8) studio apartments; and

WHEREAS, the Applicant proposes that six (6) dwelling units (12% of the 50-unit total) would qualify as Affordable Affirmatively Furthering Fair Housing (“AFFH”) units. An additional four (4) dwelling units would qualify as Workforce Housing units within the meaning of Town Code § 60-210. Thus, a total of ten (10) dwelling units (20% of the 50-unit total) would be affordable to households with a range of income levels that would generally fall below the area median income for Westchester County; and

WHEREAS, the proposed legislation is intended to facilitate the redevelopment of the Project Site pursuant to the Concept Plan. No other properties in the Town of New Castle will be eligible for a NG-Zero Special Permit. The legislation contains provisions that are tailored to reflect the essential features, characteristics, exterior dimensions, and articulation of the proposed building and site layout, as depicted in the Concept Plan; and

WHEREAS, the Concept Plans reflects the intent of the NG-Zero Special Permit legislation being considered and have been appended to Determination of Environmental Significance submitted herewith; and

WHEREAS, any alternative development plan would be required to be a high-performance development project (net zero carbon emissions) that meets all other environmental standards in the NG-Zero Special Permit legislation as determined by the Town Board and any application for a special permit on the Property would be reviewed employing similar standards of review with respect to the general special permit conditions set forth in the Town Zoning Code Section 60-430.B(1)-(5); and

WHEREAS, any alternative development plan would also be required to consist of a high-performance (net zero carbon emissions) development project that meets all other environmental standards in the NG-Zero Special Permit legislation as determined by the Town Board; and

WHEREAS, the proposed building included in the Concept Plans would be a high-performance (net zero carbon emissions), 4-story structure constructed primarily of a mass timber framing system, utilizing elements such as flue-laminated timber (GLT), laminated veneer lumber (LVL), and cross-laminated timber (CLT). These products are industrially produced, prefabricated, large-scale timber elements. The proposed Building will leverage the structural capacity and assembly efficiencies of CLT panels, in tandem with GLT and LVL frame elements. The façade of the proposed Building will utilize a number of environmentally conscious materials, such as composite paper panels, thermally modified wood siding, upcycled and bio-based masonry cladding; and

WHEREAS, the Town Board received and reviewed a Full Environmental Assessment Form in connection with the Proposed Action, together with a panoply of other materials and reports prepared by the Applicant’s professional consultants. These materials included the following:

- Letter from FFLP Holding 50 North Greeley LLC (by Don Feinberg), dated November 22, 2021;

- Presentation to the New Castle Town Board, prepared by Gray Organschi Architecture, dated June 22, 2022;
- Letter from Philip E. Karmel, Esq. of Bryan, Cave Leighton, Paisner LLP, dated September 20, 2022;
- Special Use Permit Application received September 20, 2022;
- Full Environmental Assessment Form Part 1, dated September 16, 2022;
- Proposed B-RP Special Permit legislation, dated September 19, 2022 ;
- Plan titled “Cover (G0.00)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Site Survey (G0.01)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Level 1 Plan (A1.00)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Level 2 Plan (A1.01)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Level 3 Plan (A1.02)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Level 4 Plan (A1.03)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Elevations (A2.00)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Shadow Study (A3.00)” prepared by Gray Organschi Architecture, dated September 20, 2022;
- Plan titled “Cover Sheet (CS001) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Existing Conditions & Site Removal Plan (CD101) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Site Layout and Utility Plan (CS101) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Grading and Drainage Plan (GC101) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Erosion & Sediment Control Plan (CE101) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Details (CS501) prepared by Langan Engineering and Environmental Services, Inc., dated September 20, 2022;
- Plan titled “Zoning Data/Building Code Data” prepared by Gray Organschi Architecture, dated September 19, 2022;
- Presentation slide “Downtown Chappaqua” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Site Strategy” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Existing Conditions” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Level 1” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Level 2-4 Typical Multifamily” prepared by Gray Organschi Architecture, dated November 9, 2022;

- Presentation slide “Roof Plan” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Section Through North Greeley Proposed” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “North Greeley Elevation Proposed” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Section Through North Greeley Proposed (Close-up)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Façade Material Palette Proposed” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Mass Timber Construction (Acme Timber Lofts)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Mass Timber Construction (Acme Timber Lofts)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Proposed Building (View from North Greeley)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Proposed Building (View of Ground Level Cafe)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Proposed Building (View from an Elevated Court Yard)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “Proposed Building (View from the Southeast)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “South Aerial View (Existing)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “South Aerial View (Proposed)” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide titled “Zoning Data/Building Code Data” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Document titled “Assessment of Potential Project Impacts” dated November 23, 2022;
- Video depicting augmented reality model, dated May 9, 2023;
- Presentation slide “Downtown Chappaqua” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Existing Conditions” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Level 1” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Level 2-4 Typical Multifamily” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Roof Plan” prepared by Gray Organschi Architecture, dated November 9, 2022;
- Presentation slide “South Aerial View (Existing)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “South Aerial View (Proposed)” prepared by Gray Organschi Architecture, dated May 9, 2023;

- Presentation slide “North Aerial View (Existing)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Aerial View (Proposed)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Height Analysis (Downtown Chappaqua)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Height Analysis (+55’ From 50 NG Grade)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Height Analysis (+50’ From 50 NG Grade)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Height Analysis (+45’ From 50 NG Grade)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Greeley Elevation (Proposed)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Greeley Elevation (Proposed Maximum Building Height)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Greeley Elevation (Proposed Street Wall Elevations)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “North Greeley Elevation (Proposed Average Street Wall Height)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Section Through North Greeley (Proposed)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Proposed Building (View from North Greeley)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Proposed Building (View from Ground Level Cafe)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Proposed Building (View from Elevated Courtyard)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Proposed Building (View from the Southeast)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Building + Site Model (View from Southeast 1)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Building + Site Model (View from Southeast 2)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Building + Site Model (View from East)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Building + Site Model (View from Northeast)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide titled “Zoning Data/Building Code Data” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Mass Timber Apartment Precedent (Carbon 12)” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Presentation slide “Façade Material Palette Proposed” prepared by Gray Organschi Architecture, dated May 9, 2023;
- Letter dated May 23, 2023 from Gray Organschi Architecture;

- Video Flight Path (two paths);
- Email from Jeffrey Davis, dated July 18, 2023, submitting revised plans;
- Plan titled “Level 1 (Original Commercial Parking and Public Space)” prepared by Gray Organschi Architecture, dated July 17, 2023;
- Plan titled “Level 1 (Proposed Revised Commercial Parking and Public Space)” prepared by Gray Organschi Architecture, dated July 17, 2023;
- Plan titled “Level 2-4 (Apartment Plan), prepared by Gray Organschi Architecture, dated July 17, 2023;
- Plan titled “Level 2-4 (Proposed Revised Apartment Plan), prepared by Gray Organschi Architecture, dated July 17, 2023;
- Memorandum re: 50 North Greeley Avenue Parking and Transportation Memorandum to Jeffrey Davis, Bear Development Holdings, LLC from Elaine Du, PE and Michael Beattie, PE, PTOE of AKRF Environmental Planning and Engineering Consultants, dated July 28, 2023;
- Plan titled “Level 1 (Original Commercial Parking and Public Space)” prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 1 (Proposed Revised Commercial Parking and Public Space)” prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 2-4 (Typical Apartment Plan), prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 2-4 (Proposed Revised Apartment Plan), prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 3 (Proposed Revised Apartment Plan), prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Level 4 (Proposed Revised Apartment Plan), prepared by Gray Organschi Architecture, dated August 1, 2023;
- Plan titled “Zoning Data/Building Code Data” prepared by Gray Organschi Architecture, dated August 2, 2023;
- Document titled “Assessment of Potential Project Impacts” dated August 3, 2023;
- Memorandum re: updated parking and transportation analysis from Elaine Du, PE and Michael Beattie, PE, PTOE of AKRF Environmental Planning and Engineering Consultants, dated August 4, 2023;
- Memorandum prepared by Andrew Ruff, Gray Organschi Architecture, dated September 19, 2023, responding to written and verbal public comments submitted at and prior to the September 12, 2023 public hearing; and
- Memorandum prepared by Nanette H. Bourne, Principal, NHB Planning Group, LLC dated September 18, 2023, responding to written and verbal public comments submitted at and prior to the September 12, 2023 public hearing.

WHEREAS, on June 22, 2022, the Town Board held its first meeting to consider the application and directed the Applicant to further compile the application material; and

WHEREAS, on November 22, 2022, the Tow Board adopted a resolution declaring its intent to act as Lead Agency; and

WHEREAS, on November 29, 2022, a notice containing the SEQRA Environmental Assessment Form and other application materials was delivered to Involved and Interested Agencies which included the Town of New Castle Planning Board and the Town of New Castle Board of Architectural Review. This notice and supporting documents was also sent to the Westchester County Department of Health, the Homeowner’s Association for 149 King Street, The Town Historian and Chappaqua Historical Society, the Town of New Castle Chief of Police, the Metropolitan Transportation Authority, the Chappaqua Fire District, Millwood Fire District, and the Mount Kisco Volunteer Fire Department for comment, and

WHEREAS, during the course of the Town Board's review of this application, the Town Board received and considered written recommendations and input from the Westchester County Department of Planning, the Town of New Castle Planning Board, and other interested agencies. These submissions include the following:

- Letter dated from the Westchester County Planning Board dated March 31, 2023 pursuant to N.Y. GML § 239-m and West. Cty. Admin. Code § 277.61;
- Letter dated from the Westchester County Planning dated December 19, 2022 pursuant to N.Y. GML § 239-m and West. Cty. Admin. Code § 277.61;
- Memorandum dated March 13, 2023 from the New Castle Planning Board pursuant to Town Code § 60-600;
- Letter dated June 13, 2023 from the New Castle Sustainability Advisory Board; and
- Letter dated June 23, 2023 from the Chappaqua Fire Department.

WHEREAS, the Town Board opened the public hearing on the draft legislation on May 9, 2023, and thereafter continued the public hearing on the following dates:

- May 23, 2023;
- June 13, 2023;
- June 27, 2023;
- July 25, 2023;
- August 8, 2023; and
- September 12, 2023

WHEREAS, the Town Board heard and considered verbal and written comments made by members of the public over the course of the public hearing it conducted with respect to the proposed NG-Zero Special Permit legislation; and

WHEREAS, on September 12, 2023 the continued public hearing was held to discuss certain outstanding issues and submission material submitted by the applicant, the public, and Town Consultants. The public was also given an opportunity to be heard. The public hearing was closed at the end of this meeting, and the Zoning Board of Appeals permitted an extension to submit additional written comments until October 3, 2023;

WHEREAS, in accordance with the State Environmental Quality Review Act (SEQRA), the proposed action as described is considered an Unlisted action; and

WHEREAS, Pursuant to Section 617.7(c) of the SEQRA regulations, the Town Board undertakes the following analysis when determining whether there are any significant adverse environmental impacts requiring a Positive Declaration under SEQRA:

(1) To determine whether a proposed Type I or Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in this subdivision. The following list is illustrative, not exhaustive. These criteria are considered indicators of significant adverse impacts on the environment:

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a

threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to section 617.14(g) of this Part;

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

(vi) a major change in the use of either the quantity or type of energy;

(vii) the creation of a hazard to human health;

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

(x) the creation of a material demand for other actions that would result in one of the above consequences;

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

WHEREAS, on October 1, 2023, based on an extensive review of the record consisting of the application, subsequent revisions to the application, the additional information submitted by the applicant and the applicant's consultants, the public and the public's professional representatives, Town Staff and consultant reports, and the Full Environmental Assessment Form dated September 16, 2022 ("EAF") as revised throughout this process, the Town Board made an initial determination that there are no potential significant adverse environmental impacts from the Proposed Action that have not already been addressed by the Applicant, and pursuant to Part 617 of the Regulations pertaining to SEQRA, determined that they would adopt a Negative Declaration of Environmental Significance and requested that the Town Planning Director and Town Counsel prepare a formal resolution.

NOW THEREFORE IT IS HEREBY RESOLVED THAT, after due discussion and deliberation, the Town Board, as Lead Agency, has identified all relevant areas of environmental concern and potential impacts arising from the Proposed Action, as considered in light of the Concept Plans, the completed Environmental Assessment Form, and all the aforementioned documentation, recommendations, professional guidance, and public comment. Having assessed those potential impacts under the criteria set forth in 6 NYCRR § 617.7(c), the Town Board hereby determines there are no significant adverse environmental impacts associated with the Proposed Action and proposed Project. Therefore, preparation of an Environmental Impact Statement is not required for the reasons stated in the attached Negative Declaration as appended hereto; and

IT IS FURTHER RESOLVED THAT, this Resolution and the attached Negative Declaration, shall constitute the Town Boards' evaluation of the magnitude and importance of

project impacts and reasons in support of the determination of significance required under Part 3 of the EAF;

IT IS FURTHER RESOLVED THAT, based on the foregoing findings, the Proposed Action will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this Negative Declaration is issued.

IT IS FURTHER RESOLVED THAT, in the event that a proposed application for a NG-Zero Special Permit is submitted that is materially different than as set forth in the Concept Plans, or is determined to have environmental impacts that were not considered as part of the instant environmental review, that a further environmental review and a revised environmental determination will be required with respect to such application.

VOTE: AYES

NOES

DRAFT

PROPOSED RESOLUTION DECLARING INDIGENOUS ~~PEOPLES~~PEOPLES' DAY

WHEREAS, after 11 Italian immigrants were violently and unjustly lynched in New Orleans in 1891, President Harrison created Columbus Day in 1892; and

Formatted: Font: Bold

Formatted: Font: Not Bold

WHEREAS, Columbus Day was meant to acknowledge this tragedy as well as the prejudice and discrimination experienced by Italian immigrants; and

Formatted: Font: Not Bold

Formatted: Font: Not Bold

WHEREAS, Columbus Day is an opportunity to honor the often-overlooked contributions and achievements made by Italian Americans to this country, far beyond the painful legacy of Christopher Columbus; and

Formatted: Font: Bold

WHEREAS, the Town of New Castle seeks to recognize and celebrate these contributions, as well as the hope of the American dream; and

Formatted: Font: Bold

WHEREAS, at the same time, the Town of New Castle recognizes the historical and cultural significance of the indigenous peoples of the Americas, who have inhabited these lands, including those now known as New Castle, for millennia before the arrival of European settlers; and

Formatted: Font: Bold

WHEREAS, the Town of New Castle's Hamlet of Chappaqua is said to traces its name to the Native American tribes who farmed the area and called the area "Shepequa," often translated as "a place where nothing is heard but the rustling of the leaves in the wind;" and of the Mohegan Confederation who farmed the area and called the town Shepequa, said to be "a place where nothing is heard but the rustling of the wind in the leaves;" and

WHEREAS, the Town of New Castle acknowledges the broader national and global importance of honoring and respecting the diverse indigenous cultures and contributions to the world; and

WHEREAS, the Town of New Castle acknowledges that indigenous peoples have made significant contributions to the broader society, including their knowledge, culture, art, and traditions; and

WHEREAS, the Town of New Castle acknowledges that indigenous peoples have faced historical injustices, dispossession, and discrimination, and that it is essential to promote awareness and understanding of these issues; and

WHEREAS, the Town of New Castle believes in the importance of fostering inclusivity, diversity, and multicultural appreciation among its residents; and

WHEREAS, the Town of New Castle recognizes that celebrating Indigenous ~~Peoples~~Peoples' Day is an opportunity to educate our community about the contributions of indigenous ~~peoples~~peoples' to the world and to promote the values of respect and empathy;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town of New Castle hereby declares the second Monday in October as Indigenous **PeoplesPeoples'** Day, to be observed annually, beginning October 9, 2023, as an expression of solidarity with indigenous **peoplesPeoples'** around the world and to raise awareness about their cultures, history, and contributions; and be it further

RESOLVED, that the Town of New Castle encourages its residents to learn about and appreciate indigenous cultures, history, and contributions and encourages schools, businesses, and community organizations to recognize Indigenous **PeoplesPeoples'** Day and take steps to educate their members about the history and contributions of indigenous peoples; and be it further

RESOLVED, that the Town of New Castle reaffirms its commitment to promoting inclusivity, diversity, and multicultural appreciation among its residents.

PROPOSED RESOLUTION DECLARING INDIGENOUS PEOPLES' DAY

WHEREAS, after 11 Italian immigrants were violently and unjustly lynched in New Orleans in 1891, President Harrison created Columbus Day in 1892; and

WHEREAS, Columbus Day was meant to acknowledge this tragedy as well as the prejudice and discrimination experienced by Italian immigrants; and

WHEREAS, Columbus Day is an opportunity to honor the often-overlooked contributions and achievements made by Italian Americans to this country, far beyond the painful legacy of Christopher Columbus; and

WHEREAS, the Town of New Castle seeks to recognize and celebrate these contributions, as well as the hope of the American dream; and

WHEREAS, at the same time, the Town of New Castle recognizes the historical and cultural significance of the indigenous peoples of the Americas, who have inhabited these lands, including those now known as New Castle, for millennia before the arrival of European settlers; and

WHEREAS, the Town of New Castle's Hamlet of Chappaqua is said to trace its name to the Native American tribes who farmed the area and called the area "Shepequa," often translated as "a place where nothing is heard but the rustling of the leaves in the wind;" and

WHEREAS, the Town of New Castle acknowledges the broader national and global importance of honoring and respecting the diverse indigenous cultures and contributions to the world; and

WHEREAS, the Town of New Castle acknowledges that indigenous peoples have made significant contributions to the broader society, including their knowledge, culture, art, and traditions; and

WHEREAS, the Town of New Castle acknowledges that indigenous peoples have faced historical injustices, dispossession, and discrimination, and that it is essential to promote awareness and understanding of these issues; and

WHEREAS, the Town of New Castle believes in the importance of fostering inclusivity, diversity, and multicultural appreciation among its residents; and

WHEREAS, the Town of New Castle recognizes that celebrating Indigenous Peoples' Day is an opportunity to educate our community about the contributions of indigenous Peoples' to the world and to promote the values of respect and empathy;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Town of New Castle hereby declares the second Monday in October as Indigenous Peoples' Day, to be observed annually, beginning October 9, 2023, as an expression of solidarity with indigenous Peoples' around the world and to raise awareness about their cultures, history, and contributions; and be it further

RESOLVED, that the Town of New Castle encourages its residents to learn about and appreciate indigenous cultures, history, and contributions and encourages schools, businesses, and community organizations to recognize Indigenous Peoples' Day and take steps to educate their members about the history and contributions of indigenous peoples; and be it further

RESOLVED, that the Town of New Castle reaffirms its commitment to promoting inclusivity, diversity, and multicultural appreciation among its residents.

MEMO: Town Administrator Shapiro and Town Board
FROM: Commissioner Carey
DATE: September 14, 2023
RE: Authorization to Purchase Fire Alarm Components, and Engineering and Start-up Services from ARCO Protection Services, Inc.

We are requesting authorization to purchase fire alarm components, and engineering and start-up services from ARCO Protection Services, Inc. for the amount of \$36,849.19. Attached, please see quote 20230043, dated September 13, 2023 from ARCO and requisition.

The quote obtained totals the cost to be \$53,725.24, however, because we are able to perform the installation in-house, ARCO will deduct the labor cost of \$16,876.05. Choosing Alternate #1 from page five of the quote, Schedule A – Payment Schedule and Alternate Pricing is the most economical option.

Under the OGS Contract Award 23150, Group 77201, ARCO Protection Services, Inc. will provide fire alarm system materials, electrical materials, technical labor, and engineering services to install a complete building fire alarm system for DPW. The quote provided the labor cost for an electrician to perform the installation of the alarm system. We are proposing to have our in-house Master Electrician perform this installation work, thus saving the Town \$16,876.05. This in-house work will include running the conduit and wire, along with device installation.

Thank you for your consideration.

Bart Carey

BC: jg

Attachments

cc: Assistant Commissioner Castello

**TOWN OF NEW CASTLE
REQUISITION FORM**

Date: 09/14/2023

VENDOR: Arco Protection Systems, Inc.
532 Main Street
Poughkeepsie, NY 12601
Phone (845) 463-6900
Ed Lown
ed.lown@arco-systems.com

Code/Line: Exp Code/Line Item Amount
\$36,849.19

Vendor #:

Cust. A/C #:

Bill To: Town of New Castle
Department of Public Works
280 Joan Corwin Way
Chappaqua, New York 10514
Phone (914) 238-3968
Fax (914) 238-6205

Ship To: Town of New Castle
Department of Public Works
280 Joan Corwin Way
Chappaqua, New York 10514
Phone (914) 238-3968
Fax (914) 238-6205

QTY	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT
	Per quote 20230043, dated September 13, 2023: Purchase and Installation: Fire Alarm System: materials, electrical materials, technical labor, and engineering services for the complete building fire alarm system for DPW		
1.00	Utilizing Alternate Pricing: Alternate #1: Deduct \$16,876.05 for in-house labor for electrical installation.	(\$16,876.05)	(\$16,876.05)
1.00	Pricing breakdown: Engineering	3,963.60	3,963.60
1.00	Material	21,998.24	21,998.24
1.00	Labor	27,763.40	27,763.40
Prepared By:	<u>JG</u>		<u>\$36,849.19</u>

Misc. Notes: Approval by Resolution of the Town Board at its meeting on September 26, 2023

Ordered By: Mr. Tom Castello

Title: Assistant Commissioner

Authorization: Mr. Bart Carey  9/14/23

Title: Commissioner

DATE: 9/13/2023

CONTRACT/QUOTE # 20230043

Town of New Castle
280 Joan Corwin Way
Chappaqua, NY 10514
Attn: Tom Castello

REF.: Highway Dept. Fire Alarm System
Rev#3

WORK TYPE (Mark with "X"):

PREV. MAINT. INSP. INSTALL/REPAIR WORK

LUMP SUM (See Schedule "A" for breakdown.)

TIME & MATERIAL AS PER SCHEDULE "B" OF YOUR
BASE SERVICE AGREEMENT OR THIS ATTACHEMENT.

SCOPE OF WORK INVOLVED:

- ARCO to provide fire alarm system materials, electrical materials, technician labor and engineering services to install a complete building fire alarm system for the property listed above.
- The new system is design-build and will include smoke/heat/duct/CO detection to the current revision of NFPA-72 adopted by NYS.
- The existing control panel will be replaced with new and same location reused.
- A remote annunciator will be added in the main lobby vestibule.
- All existing device locations and wiring will be reused if deemed acceptable. All existing devices will be replaced with new.
- All out-of-date conventional heat detectors will be replaced with new addressable heat detectors.
- Existing zone wiring home runs shall have isolator modules installed.
- Remote test/indicator switches will be added to all existing duct detectors.
- The existing panel 120 volt feed will be reused.
- In order to bring this building to current code, we have estimated the addition of approximately (31) devices of various types (pull stations, smoke/heat/CO detectors, horn/strobes). If you would prefer to hire an electrician or self-perform install these additional devices in house, only using ARCO labor for the existing system swap, startup and testing, we have provided a give back labor total as an Add/Alternate below.
- ARCO technicians to perform all installation, programming, start-up, pretest and final unless directed otherwise.
- All new wiring to be run free air above drop ceiling areas in non-metallic FPLP.
- New wiring added to exposed mechanical areas to be run in 3/4" EMT.
- The existing Napco Starlink wireless central station dialer will be reused and connected to the new system.
- We include lifts as part of this agreement for the high bay area work.
- All new material provided shall be Notifier by Honeywell with quantity counts as follows:
 - (1) Addressable Fire Alarm Control Panel With One SLC Data Loop



Licensed by the N.Y.S. Department of State #12000052622 • NJ Lic. #P01107 • NYS MBE #51785-2008 • NYS OGS #PT68758

WWW.ARCO-SYSTEMS.COM

NEW YORK, NY (212)966-6447 • ALBANY, NY (518)432-8001 • NEW HAVEN, CT (203)869-3686

- (1) Remote Annunciator
 - (5) Isolator Modules
 - (5) Combination Smoke/CO Detectors
 - (5) Addressable Sounder Bases
 - (3) Duct Detectors With Remote Test/Reset Switches
 - (14) Smoke Detector
 - (36) Heat Detectors
 - (12) Pull Stations
 - (2) CO Detector
 - (2) Monitor Module
 - (6) Relay Modules (HVAC Shutdowns, Elevator Recall)
 - (11) Horn/Strobes
 - (10) Strobes
 - (1) Dual Monitor Module
- Our engineering package will include material datasheets and riser diagram. As there are no current architectural background drawings of the building in CAD format, we will use the existing blueprints to walk the space and mark them up by hand for system layout. As-Built to be provided on completion.
 - We estimate this scope of work to take approximately three weeks.
 - ARCO is an IBEW Local Union 3 signatory company. All technicians are union.
 - All work is being quoted at current Westchester County prevailing wage rates.
 - This scope of work is being performed by ARCO Protection System, Inc., a New York State OGS contract holder. OGS Contract # PT68758.
 - All work is to be completed during normal business hours, M-F 8:00-4:30.
 - If this project is tax exempt, please provide all applicable tax exemption documentation upon award.
 - As a Premier Distributor for Notifier, we are pleased to provide a full (7) year manufacturer's warranty on all Notifier manufactured equipment.
 - All new System Sensor material is backed by a (3) year manufacturer's warranty.
 - This scope of work shall be completed by ARCO Protection Systems, Inc., a New York State Certified Minority Business Enterprise & New York City Certified Minority Business Enterprise.



- GUARANTEED EMERGENCY RESPONSE** will be less than (30) minutes by phone, (2) hours on-site from the owner approved representatives authorization to respond. If we do not meet these guidelines, the first (4) hours of the emergency call is at no cost, excluding material.
- A summary report will be submitted after each inspection.
- Twenty four (24) hour service is available at discounted rates established on Schedule B of this agreement.
- To expedite response times to your needs, emergency service is only available through our automated telephone system at (845)463-6900. At the main voice greeting select option (4) and leave a message in the emergency service voice mail box. Upon leaving of a message, a series of automatically guaranteed pages go out to our Emergency Service Team. Average response time by telephone is 15-20 minutes.
- This proposal is valid for thirty (30) days, or as mutually agreed.
- This contract may be cancelled by either party with (30) day's written notice. All deposits are non-refundable in the event of a cancellation by the Customer. Any work performed prior to, and during the (30) day notice period, will be billable according to the contract terms.
- When our required deposits are waived, as noted on Schedule A, if any of the specified and required inspections are not performed as outlined, we will invoice 20% of the scheduled payment values for overhead expensed incurred to provide insurance and 24 hour on-call services.
- General Liability Insurance Limits of \$1 Million, Umbrella Limits of \$4 Million, Auto Limits of \$1 Million and Workman's Compensation as outlined by State Law. Included in the base quote are standard Additionally Insured's and Waiver of Subrogation at no additional cost. Any additional fees for special endorsements and/or insurance coverage will be invoiced at the time of issuance, payable upon receipt.
- Pricing quoted in this estimate and Schedule B, does not include prevailing wages and/or certified payroll as may be required and outlined by state and/or federal contracts. If prevailing wages are required for this project, please call to have this quote modified with the associated prevailing wages by trade.
- If this inspection contract is inclusive of 24 Hour Central Station Monitoring, upon the contract expiration or termination date whichever is sooner, the monitoring services will be discontinued with certified notices submitted to the Authority Having Jurisdiction. ARCO Protection Systems will not accept any claim or take responsibility for any loss after contract expiration or termination. If termination is complete, reactivation fees may apply.
- Inspections estimated on overtime, excludes Sundays, Holidays and Holiday weekends unless noted otherwise.
- ARCO provides additional insured status to the Town of New Castle and its employees, volunteers, agents, and officials.
- ARCO includes a waiver of subrogation endorsement / clause in favor of the Town of New Castle and its employees, volunteers, agents, and officials.
- ARCO provides coverage to the Town of New Castle that is primary and noncontributory

Note: Local code states visual and functional inspections on certain components of your system(s). Inspection intervals stated above are only for tests to be performed at that time interval. Any visual inspections or testing required by code that do not fall under the above intervals are the sole responsibility of the owner. Resetting of the base building Fire Alarm System and/or notification to a monitoring station to be performed by the owner unless noted otherwise. ARCO Protection Systems, Inc. assumes the above referenced site has a "Certificate of Occupancy" (CO), the systems being serviced were in fact installed in accordance with code and manufacturer's specification, and personnel have been properly trained for the above referenced system(s). It is also assumed if an Authority Having Jurisdiction (AHJ) has issued a CO, that the system was installed by applicable codes and ARCO does not certify in any way as part of our services to confirm this unless expressly released to do so under a detailed scope of work outlined in this agreement.



EXCLUSIONS:

- Overtime unless noted otherwise.
- Painting and/or patching.
- Fire Watch.
- Repairs not noted in the detailed scope of work.
- 120 Volt work beyond tying new system into existing circuit.



Licensed by the N.Y.S. Department of State #12000052622 • NJ Lic. #P01107 • NYS MBE #51785-2008 • NYS OGS #PT68758

WWW.ARCO-SYSTEMS.COM

NEW YORK, NY (212)966-6447 • ALBANY, NY (518)432-8001 • NEW HAVEN, CT (203)869-3686

SCHEDULE A – PAYMENT SCHEDULE & ALTERNATE PRICING

<u>DESCRIPTION</u>	<u>COST</u>	<u>BILLABLE DATE</u>
• Engineering	\$ 3,963.60	Upon Signing
• Material	\$ 21,998.24	Upon Delivery
• Labor	\$ 27,763.40	Completed Work
Total		\$ 53,725.24, plus state tax.

Notes:

- Inspections noted above are by definition as outlined in NFPA and include the work outlined for the specified inspection.
- Credit Card payments made over \$2,000.00 are subject to processing fees. Please call if you wish to make a payment that exceeds this amount.
- As per state tax laws, if the proper Exempt, Capital Improvement or Self Pay state sales tax documents are not forwarded at the time of contract execution, the services provided by ARCO under this agreement are fully taxable under the state law where the work is being performed. Any late document filling will be subject to notification to the state taxing authority and/or refunds issued by the state the tax was paid within.

ALTERNATE PRICING

- **Alternate #1** – If you wish to hire a preferred electrician, or if you would like to self-perform and install the system using in house labor for the devices that must be added, ARCO can give back a total of \$16,876.05 in installation labor and materials.



Licensed by the N.Y.S. Department of State #12000052622 • NJ Lic. #P01107 • NYS MBE #51785-2008 • NYS OGS #PT68758

WWW.ARCO-SYSTEMS.COM

NEW YORK, NY (212)966-6447 • ALBANY, NY (518)432-8001 • NEW HAVEN, CT (203)869-3686

SCHEDULE B – TIME & MATERIAL RATES

T&M RATES – PER MAN-HOUR:

	Tech - IBEW	Tech-Program	Fitter - #669	Fitter - #638NYC	Project Manager
STRAIGHT TIME	\$165.15	\$200.00	\$215.38	\$200.00	\$180.00
BASE OVERTIME	\$247.73	\$300.00	\$323.07	\$400.00	\$360.00
SUNDAY/HOLIDAY OVERTIME	\$330.31	\$400.00	\$430.77	\$400.00	\$360.00

- ARCO standard working hours are non-holiday Mondays through Fridays, 8:00am through 4:30pm.
- Straight Time rates are from 8:00am through 4:30pm, Monday through Friday, excluding Holidays.
- Base Overtime rates include off hours Monday through Friday, and Saturday until 11:59pm.
- Sunday and Holiday Overtime rates are noted above as Double Time.
- Rates above do not include prevailing state/federal prevailing wage schedules and/or certified payroll. If required please specify.
- Scheduled time & material, and Emergency Service work shall be billable in (4) hour increments per man.
- Saturday, Sunday and Holiday scheduled time & material shall be a minimum of eight (8) hours per man. Once the (8) hour minimum per man is used for the schedule date, additional time shall be billable in (4) hour increments per man.
- The above Technician Programming rate is for labor associated with programming of any controls system to add, delete or modify in any way the CPU configuration, graphic annunciator or any peripheral devices. If the installed current configuration file is unavailable by the end user this rate will be used to reconstruct a new configuration file. If ARCO Protection Systems Inc. performed the installation and programming of the system identified in this agreement the Technician Programming Rate will be waived and any programming required under contract will be billable as per the base Technician Rate.
- Guaranteed Emergency Response** times will be less than (30) minutes by phone, (2) hours on-site from the owner approved representatives authorization to respond. If we do not meet these guidelines, the 1st four hours of the call are at no cost. This excludes material.
- All equipment supplied under Time & Material will be billable at Manufacturers Published Price, inclusive of shipping and freight fees. When Manufacturer's Published Price is unavailable, industry standard formulas will be used to generate a Suggested List Price.
- No work under this agreement shall be subject to a retainer.
- Payment to ARCO is not contingent on payment from the end user to our client.
- Failure to pay invoices within agreed terms may result in cancellation of this agreement and forfeiture of deposits.
- All billable service work shall be subject to the appropriate Sales Tax, unless a tax Exempt, Capital Improvement or Self Pay certificate is forwarded prior to billing. All refunds of sales taxes paid will be requested by the client to the taxing authority the tax was paid within.
- The Guaranteed Emergency Response is void if the account is not within the contract terms noted.
- PAYMENT TERMS:** Net 30 days from invoice date.

Note: Local code states visual and functional inspections on certain components of your system(s). Inspection intervals stated in specification are only for tests to be performed at that time interval. Any visual inspections or testing required by code that do not fall under the above intervals are the sole responsibility of the owner. Resetting of the base building Fire Alarm System and/or notification to the monitoring station to be performed by the owner unless noted otherwise. ARCO Protection Systems, Inc. assumes the above referenced site has a "Certificate of Occupancy" and personnel has been properly trained for the above referenced system(s).



Licensed by the N.Y.S. Department of State #12000052622 • NJ Lic. #P01107 • NYS MBE #51785-2008 • NYS OGS #PT68758

WWW.ARCO-SYSTEMS.COM

NEW YORK, NY (212)966-6447 • ALBANY, NY (518)432-8001 • NEW HAVEN, CT (203)869-3686

SCHEDULE C – GENERAL TERMS & CONDITIONS

ARCO Protection Systems, Inc. the CONTRACTOR for the purposes of this agreement will also be known as ARCO. The CUSTOMER has selected the service level it desires after considering and balancing various levels of protection afforded, and their related costs. The CUSTOMER acknowledges and agrees that by this Service Agreement, ARCO Protection Systems Inc., unless specifically stated, does not undertake any obligation to maintain or render the CUSTOMER's system or equipment as Year 2000 compliant, which for this purpose shall mean, capable of correctly handling the processing of calendar dates before or after December 31, 1999. The terms and conditions of this Agreement and any attached pages are an important part of this Agreement and are hereby incorporated by reference and accepted by the CUSTOMER. The Agreement page, and these General Terms and Conditions (collectively the "Agreement"), are intended by ARCO and the CUSTOMER as a final expression of their Agreement and as a complete and exclusive statement of the terms and conditions thereof. This Agreement supersedes all prior representations, understandings or agreements between ARCO and the CUSTOMER, written or oral, and shall constitute the sole terms and conditions of sale for all equipment and services. ARCO is not bound by any provisions, printed or otherwise, at variance with the Agreement that may appear on any acknowledgement, purchase order or other form used by the CUSTOMER, such provisions being expressly rejected. No waiver, change, or modification of any terms or conditions of this Agreement shall be binding on ARCO unless made in writing and signed by an officer of ARCO. All work to be performed by ARCO will be performed during normal working hours of normal working days (8:00 a.m. – 4:30 p.m., Monday through Friday, excluding Union holidays), as defined by ARCO, unless additional times are specifically described in this Agreement. ARCO will perform the services described in the Scope of Work section ("Services") for one or more system(s) or equipment as described in the Scope of Work section or the listed attachments ("Covered System(s)"). The CUSTOMER shall promptly notify ARCO of any malfunction in the Covered System(s) which comes to the CUSTOMER's attention. This Agreement assumes the Covered System(s) are in operational and maintainable condition as of the Agreement date. If, upon initial inspection, ARCO determines that repairs are recommended, repair charges will be submitted for approval prior to any work. Should such repair work be declined ARCO shall be relieved from all and any liability arising therefrom. Unless otherwise specified in this Agreement, any inspection (and, if specified, testing) provided under this Agreement does not include any maintenance, repairs, alterations, replacement of parts, or any field adjustments whatsoever, nor does it include the correction of any deficiencies identified by ARCO to the CUSTOMER. ARCO shall not be responsible for equipment failure occurring while ARCO is in the process of following its inspection techniques, where the failure also results from the age or obsolescence of the item or due to normal wear and tear. This Agreement does not cover systems, equipment, components or parts which are below grade, behind walls or other obstructions or exterior to the building, electrical wiring, and piping.

SYSTEM EQUIPMENT

The purchase of equipment or peripheral devices, (e.g. smoke detectors, passive infrared detectors, card readers, sprinkler system components, extinguishers, hoses, etc.) from ARCO shall be subject to the terms and conditions of this Agreement, not withstanding any different terms and conditions in the CUSTOMER's purchase order. If, in ARCO's sole judgment, any peripheral device or other system equipment, which is attached to the Covered System(s), whether manufactured by ARCO or a third party, interferes with the proper operation of the Covered System(s), the CUSTOMER shall remove or replace such device or equipment upon notice from ARCO. Failure of the CUSTOMER to remove the device shall constitute a material breach of this Agreement. If the CUSTOMER adds any third party device or equipment to the Covered System(s), ARCO shall not be responsible for any damage to or failure of the Covered System(s) caused in whole or in part by such device or equipment.

CUSTOMER'S RESPONSIBILITIES

The CUSTOMER further agrees to:

- provide ARCO access to the Covered System(s) to be serviced,
- supply suitable electrical service, heat, heat tracing, and adequate water supply,
- provide a safe work environment,
- in the event of an emergency or Covered System(s) failure, take reasonable safety precautions to protect against personal injury, death, and property damage. Such measures shall continue until the Covered System(s) are operational. Owner shall notify ARCO as soon as practical under the circumstances,
- to make payments as provided in this Agreement.

HAZARDOUS MATERIALS

The CUSTOMER represents that, except to the extent that ARCO has been given written notice of the following hazards prior to the execution of this Agreement, to the best of the CUSTOMER's knowledge there is no:

- "permit confined space," as defined by OSHA,
- risk of infectious disease,
- need for air monitoring, respiratory protection, or other medical risk,
- asbestos, asbestos-containing material, formaldehyde or other potentially toxic or otherwise hazardous material contained in or on the surface of the floors, walls, ceilings, insulation or other structural components of the area of any building where work is required to be performed under this Agreement.

All of the above are hereinafter referred to as "hazardous conditions". ARCO shall have the right to rely on the representations listed above. If hazardous conditions are encountered by ARCO during the course of ARCO's work, the discovery of such materials shall constitute an event beyond ARCO's control and ARCO shall have no obligation to further perform in the area where the hazardous conditions exist until the area has been made safe by the CUSTOMER as certified in writing by an independent testing agency, and the CUSTOMER shall pay disruption expenses and re-mobilization expenses as determined by ARCO. The CUSTOMER shall indemnify and hold ARCO harmless for any damages resulting from the exposure of workers to hazardous conditions, including damages for bodily injury and/or property damage, any consequential or indirect damages, and any attorneys' fees and expert costs incurred in connection with any such event, whether or not the CUSTOMER pre-notifies ARCO of the existence of said hazardous conditions. This Agreement does not provide for the cost of capture, containment or disposal of any hazardous waste materials, or hazardous materials, encountered in any of the Covered System(s) and/or during performance of the Services. Said materials shall at all times remain the responsibility and property of the CUSTOMER. ARCO shall not be responsible for the testing, removal or disposal of such hazardous materials.

PAYMENT FAILURE

If the Customer fails to make any payment when due, ARCO shall have the right, at ARCO's sole discretion, to stop performing any Services until the account is current. The Customer's failure to make payment when due is a material breach of this Agreement.

LIMITED WARRANTY

ARCO WARRANTS THAT ITS WORKMANSHIP AND MATERIAL FURNISHED UNDER THIS AGREEMENT WILL BE FREE FROM DEFECTS FOR A PERIOD OF NINETY (90) DAYS FROM THE DATE OF FURNISHING. Where ARCO provides product or equipment of others, ARCO will warrant the product or equipment only to the extent warranted by such third party.

WARRANTY DISCLAIMER

EXCEPT AS EXPRESSLY SET FORTH HEREIN, ARCO DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO THE SERVICES PERFORMED OR THE PRODUCTS, SYSTEMS OR EQUIPMENT. IF ANY, SUPPORTED HEREUNDER, ARCO MAKES NO WARRANTY OR REPRESENTATION, AND UNDERTAKES NO OBLIGATION TO ENSURE BY THE SERVICES PERFORMED UNDER THIS AGREEMENT, THAT ARCO'S PRODUCTS OR THE SYSTEMS OR EQUIPMENT OF THE CUSTOMER WILL CORRECTLY HANDLE THE PROCESSING OF CALENDAR DATES BEFORE OR AFTER DECEMBER 31, 1999.

LIMITATION OF LIABILITY

It is understood and agreed by the CUSTOMER that ARCO is not an insurer and that insurance covering personal injury and property damage on the CUSTOMER's premises shall be obtained by the CUSTOMER; that the Customer agrees to look exclusively to the Customer's insurer to recover for injuries or damage in the event of any loss or injury, that the amounts payable to ARCO hereunder are based upon the value of the services and the scope of liability set forth herein; and that ARCO is not guaranteeing that no loss will occur.

LIQUIDATED DAMAGES; LIMITATIONS OF REMEDY

ARCO and the CUSTOMER agree that it is impractical and extremely difficult to fix actual damages which may arise due to the faulty operation of the Covered System(s) or failure of any ARCO device or failure to perform, or negligent performance of Services; if, notwithstanding the above provisions, should there arise any liability on the part of ARCO, such liability shall be limited to an amount equal to the Agreement price (as increased by the price for any additional work) or where the time and material payment term is selected, Customer's time and material payments to ARCO. Where this Agreement covers multiple sites, liability shall be limited to the amount of the payments allocable to the site where the incident occurred. Such sum shall be complete and exclusive and shall be paid and received as liquidated damages and not as a penalty. If the Customer desires ARCO to assume greater liability, the parties shall amend this agreement by attaching a rider setting forth the amount of additional liability and the additional amount payable by the Customer for the assumption by ARCO of such greater liability, provided however that such rider shall in no way be interpreted to hold ARCO as an insurer. IN NO EVENT SHALL ARCO BE LIABLE FOR ANY DAMAGE, LOSS, INJURY, OR ANY OTHER CLAIM ARISING FROM ANY SERVICING, ALTERATIONS, MODIFICATIONS, CHANGES, OR MOVEMENTS OF THE COVERED SYSTEM(S) OR ANY OF ITS COMPONENT PARTS BY THE CUSTOMER OR ANY THIRD PARTY. ARCO SHALL NOT BE LIABLE FOR INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES OF ANY KIND, INCLUDING BUT NOT LIMITED TO DAMAGES ARISING FROM THE USE, LOSS OF THE USE, PERFORMANCE, OR FAILURE OF THE COVERED SYSTEM(S) TO PERFORM.

INSURANCE

The CUSTOMER shall name ARCO, its officers, employees, agents, subcontractors, suppliers, and representatives as additional insured's on the CUSTOMER's general liability and auto liability policies.

INDEMNITY

The CUSTOMER agrees to indemnify, hold harmless and defend ARCO against any and all losses, damages, costs and expenses including reasonable defense costs, arising from any and all third party claims for personal injury, death, property damage or economic loss, arising in any way from any act or omission of the Customer or ARCO relating in any way to this Agreement, including but not limited to the Services under this Agreement, whether such claims are based upon contract, warranty, tort (including but not limited to active or passive negligence), strict liability or otherwise. ARCO reserves the right to select counsel to represent it in any such action.

FORCE MAJEURE

ARCO shall not be responsible for failure to render Services due to causes beyond its control, including but not limited to work stoppages, fires, civil disobedience, riots, rebellions, acts of God, or any other cause beyond the control of ARCO.

WAIVER OF SUBROGATION

The CUSTOMER does hereby, for itself and all others claiming for it under this Agreement, release and discharge ARCO from and against all hazards covered by the CUSTOMER's insurance, it being expressly agreed and understood that no insurance company or insurer will have any right of subrogation against ARCO.

ONE-YEAR LIMITATION ON ACTIONS; CHOICE OF LAW

It is agreed that no suit, or cause of action or other proceeding shall be brought against either party more than one (1) year after the accrual of the cause of action or one (1) year after the claim arises, whichever is shorter, whether known or unknown when the claim arises or whether based on tort, contract, or any other legal theory. The laws of New York shall govern the validity, enforceability, and interpretation of this Agreement.

ASSIGNMENT

The CUSTOMER may not assign this Agreement without ARCO's prior written consent. ARCO may assign this Agreement to an affiliate without obtaining the CUSTOMER's consent.

REPORTS

Where inspection and/or test services are selected, such inspection and/or test shall be completed on ARCO's then current Report form, which shall be given to the CUSTOMER, and, where applicable, ARCO may submit a copy thereof to the local authority having jurisdiction. The Report and recommendations by ARCO are only advisory in nature and are intended to assist the CUSTOMER in reducing the risk of loss to property by indicating obvious defects or impairments noted to the system and equipment inspected and/or tested. They are not intended to imply that no other defects or hazards exist or that all aspects of the Covered System(s), equipment, and components are under control at the time of inspection. Final responsibility for the condition and operation of the Covered System(s) and equipment and components lies with the CUSTOMER.

SEVERABILITY

If any provision of this Agreement is held by any court or other competent authority to be void or unenforceable in whole or in part, this Agreement will continue to be valid as to the other provisions and the remainder of the affected provision.

LEGAL FEES

ARCO shall be entitled to recover from the Customer all reasonable legal fees incurred in connection with ARCO enforcing the terms and conditions of this agreement.





532 Main Street
Poughkeepsie, NY 12601
(845)463-6900, (845)463-6910 Fax
www.arco-systems.com

Return **all** pages of (2) originally initialed and signed agreements to *ARCO Protection Systems, Inc.* for counter signature and a fully executed original will be forwarded to you upon execution. This contract is not valid unless fully executed by both parties.

Sincerely,
ARCO Protection Systems, Inc.

Accepted and agreed:

Christopher Arco
Vice President

Signature: _____

Date: _____

Name/Title: _____

Purchase Order #: _____

We accept:

You can charge the deposit due plus tax, or we will invoice accordingly. No work will be performed without payment of the deposit. Subject to processing fees if charging over \$2,000.00.



(Circle card type.)

Credit Card #: _____

Approved Amount: \$ _____ Expiration: _____

Card Holders Name: _____

Billing Address: _____

City, State, Zip _____

Card Holders Signature: _____



Licensed by the N.Y.S. Department of State #12000052622 • NJ Lic. #P01107 • NYS MBE #51785-2008 • NYS OGS #PT68758

WWW.ARCO-SYSTEMS.COM

NEW YORK, NY (212)966-6447 • ALBANY, NY (518)432-8001 • NEW HAVEN, CT (203)869-3686

N16e/x Fire Alarm Control Panel

EFFICIENT, SCALABLE, CONNECTED

General

The NOTIFIER INSPIRE™ Series Fire Alarm Control Panels (FACPs) bring the latest technology to life safety. Fire emergency detection and evacuation are extremely critical to life safety. With the N16e and N16x panels, NOTIFIER INSPIRE Series offers a scalable platform to meet any size application.

NOTIFIER INSPIRE Series FACPs feature an intuitive 10" color touchscreen display. This display is color coded with system and status information. Users are presented with vital information that is easy to read and navigate.

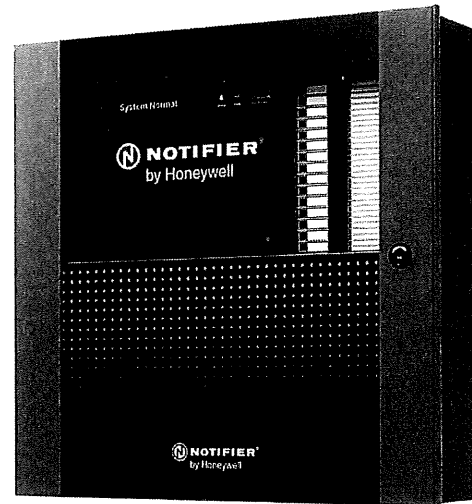
Offered in a standard preconfigured enclosure, the N16e comes with one Signaling Line Module to support 318 intelligent addressable devices. Up to two additional Signaling Line Modules (SLM-318) can be added, expanding capacity to 954 intelligent addressable devices on three Signaling Line Circuit (SLC) loops. The panel ships with power supply PMB-AUX to support four NACs and two auxiliary outputs. Panels can be configured with just a few devices for small building applications or networked with many devices to protect a large campus or a high-rise office block. Simply add additional peripheral equipment to suit the application.

The N16x features a modular design. Order CPU-N16LND, CPU-N16LD, or CPU-16-RTO to meet project requirements. Panels can be configured for stand-alone or network systems. The N16x can support one to 10 SLM-318 modules, for a capacity of up to 3,180 intelligent addressable devices on 10 SLC loops. Optional enclosure sizes are available to support additional peripheral equipment. A host of other options are available, including single or multichannel integrated voice; firefighter's telephone and many additional options.

The NOTIFIER INSPIRE Series integrates with the Connected Life Safety Services (CLSS) platform through the CLSS Gateway, providing connectivity to central station, cloud, and mobile applications. (See HON-62034.) This cloud-based functionality provides reliable protection and remote monitoring of the system, reduced manual data entry, and reporting. Use CLSS to access licensable panel features, VeriFire® Tools, workstation licenses, and more.

Features

- 10" high definition touchscreen display with customizable buttons
- 6.0 A power supply with customizable outputs (see DN-62116)
 - Two auxiliary Class A/B outputs configurable for resettable or non-resettable operation
 - Four Class A/B power outputs that can be configured as Class A/B Notification Appliance Circuits (NACs), power circuit, door holder circuit, or Universal Zone Coding circuit (UZC licensable option)
 - NACs support selectable System Sensor, Wheelock, and Gentex strobe synchronization
 - NACs support up to 3 patterns of output to allow dynamic signaling based on system events: Temp-3 (Fire), Temp-4 (CO), two-stage evacuation, selective silence
- Easy expansion of isolated intelligent Signaling Line Circuit (SLC) capacity
 - One expandable to three on N16e (three cards in the cabinet)
 - One expandable to ten on N16x
- Easy expansion of N16x power capacity (one expandable to three PMB-AUX power supplies)



N16e

- Wireless fire protection using SWIFT® Smart Wireless Integrated Fire Technology (see DN-60820)
- Up to 159 detectors and 159 modules per SLC; 318 devices per loop/3,180 per FACP or network node
 - Self-Test detector technology
 - Detectors can be any mix of photo, thermal, or multi-sensor; wireless detectors are available for use with the SWIFT Wireless Gateway (FWSG)
 - Modules include addressable pull stations, normally open contact devices, two-wire smoke detectors, notification, or relay; wireless modules are available for use with the FWSG
- Network options:
 - High-speed network for up to 200 nodes (NFS2-3030, NFS2-640, NFS-320(C), NFS-320SYS, NCD, NCA-2, DVC-EM, ONYXWorks®)
 - Standard network for up to 103 nodes (NFS2-3030, NFS2-640, NFS-320(C), NFS-320SYS, NCD, NCA-2, DVC-EM, ONYXWorks). Up to 54 nodes when DVC-EM is used in network paging
- Network Display Mode (licensable feature) allows the panel to act as a network display node, making the NCD optional
- Emergency voice options available (integrated digital voice or sidecar audio)
- Weekly Occupancy Schedules allow changing sensitivity by time of day and day of week
- History Buffer (10,000 events, 3000 displayed)
- Advanced history filters allow sorting by event, time, date, or address
- Alarm Verification selection per point, with automatic counter
- Color coded icon-based event notification
- Event filtering to quickly view event groups
- Optional cloud connectivity for remote off site monitoring through CLSS (see HON-62034)
- Monitor multiple buildings through one off-campus central station, and report through the CLSS Gateway
- Silence Inhibit and Auto Silence timer options

- Field programmable with VeriFire Tools
- Optional remote programming through CLSS
- Non-alarm points for lower priority functions
- Up to 2000 powerful Boolean logic equations
- Supplemental EIA-232 printer port
- Internal and external connectors for AIO Bus devices

LICENSABLE PANEL FEATURES THROUGH CLSS

- Expanded general zones (250 zones included, expandable up to 2000 zones in increments of 250)
- Expanded logic zones (250 zones included, expandable up to 2000 zones in increments of 250)
- Universal Zone Coding (UZC)
- Network display mode enables N16 to emulate the NCD's full network display capabilities
- Expanded custom action buttons (8 buttons included, expandable up to 32 buttons, in increments of 8)
- CLIP mode

SWIFT WIRELESS

- Self-healing mesh wireless protocol
- Each SWIFT Gateway supports up to 49 devices
- Up to 4 wireless gateways can be installed with overlapping network coverage

VOICE AND TELEPHONE FEATURES

- Up to eight channels of digital audio
- 35 watt, 50 watt, 75 watt, and 100/125 watt digital amplifiers (DAA2/DAX series and DS series)
- Solid state message generation
- Hard-wired voice control module options
- Firefighter telephone option
- 30- to 120-watt analog amplifiers (AA Series)
- Backup tone generator and amplifier option

FLASHSCAN® INTELLIGENT FEATURES

- Polls up to 318 devices on each loop in less than two seconds
- Activates up to 159 outputs in less than five seconds
- Fully digital, high-precision protocol (U.S. Patent 5,539,389)
- Manual sensitivity adjustment — up to nine levels
- Pre-alarm intelligent sensing — up to nine levels
- Sensitivity levels:
 - **Photo:** 0.5 to 2.35%/foot obscuration
 - **High-Sensitivity Photoelectric (VIEW®):** Open Air Protection (0.5% - 2.0%/ft. obscuration), Special Applications (0.02%-0.5%/ft. obscuration)
 - **Multi-Criteria Detector:** Open Air Protection (2.52-3.89%/ft. obscuration), Special Applications (1.13-2.52%/ft. obscuration)
 - **Acclimate® Plus:** 0.5 to 4.0%/foot obscuration
- Drift compensation (U.S. Patent 5,764,142)
- Multi-detector algorithm involves nearby detectors in alarm decision (U.S. Patent 5,627,515)
- Automatic detector sensitivity testing (NFPA-72 compliant)
- Maintenance alert (two levels)
- Self-optimizing pre-alarm
- Programmable activation of sounder/relay bases during alarm or pre-alarm

FSV-951 SERIES VIEW® (VERY INTELLIGENT EARLY WARNING) HIGH-SENSITIVITY SMOKE DETECTOR

- Advanced intelligent sensing algorithms differentiate between smoke and non-smoke signals
- Addressable operation pinpoints the fire location

- Ivory models (-IV) support CLIP mode as well as FlashScan
- Retrofit models (-R) available, backwards compatible for use with older panels

FCO-951(A)-IV ADVANCED MULTI-CRITERIA FIRE/CO DETECTOR

- Detects all four major elements of a fire (smoke, heat, CO, and flame)
- 135°F (57.2°C) fixed-temperature heat detector
- Transmits an alarm signal due to heat
- Separate signal for life-safety CO detection
- Optional addressable sounder base for Temp-3 (fire) or Temp-4 (CO) tone
- Automatic drift compensation of smoke sensor and CO cell
- High nuisance-alarm immunity

FPTI-951 INTELLIGENT MULTI-CRITERIA DETECTOR

- Combined Photoelectric Thermal and Infrared Sensor
- UL 268 7th Edition and UL 521 Listed
- Microprocessor-based technology; combination photo, thermal, and infrared technology

FPC-951(A) PHOTOELECTRIC/CO SENSOR

- Combined photoelectric and carbon monoxide sensor

FSCO-951(A) INTELLIGENT CO SENSOR

- Carbon monoxide sensor

FS-OSI-RI(A) ADDRESSABLE INTELLIGENT SINGLE-ENDED BEAM SMOKE DETECTOR

- Intelligent addressable reflector-type linear optical beam smoke detector
- Fast, easy, and intuitive beam alignment indicated by directional LED arrows
- Long range coverage of 16-328 ft (5-100 m) is standard; no separate long-range kit required

INTELLIGENT VESDA® DETECTORS

- Intelligent aspiration smoke detectors connect directly to the panel's SLC loop:
 - VEA-040-A00-NTF, VEA-040-A10-NTF
 - VEP-A00-P-NTF, VEP-A10-P-NTF, VEP-A00-1P-NTF
 - VEU-A00-NTF, VEU-A10-NTF
- Models offer LED display, LCD display, or both
- Coverage options for spaces up to 69,965 square feet

SELF-TEST SERIES DETECTORS

- Intelligent addressable detectors able to perform maintenance tests of smoke and heat detection without using canned smoke or heat guns
 - FSP-951-SELFT
 - FSP-951T-SELFT
 - FST-951-SELFT
- First self-testing detectors approved by UL
- Simultaneously test multiple loops and panels for photo, heat, and photo/heat detection

FlashScan® Exclusive World-Leading Detector Protocol

At the heart of the NOTIFIER INSPIRE™ N16e/x panel series is a set of detection devices and device protocol — FlashScan (U.S. Patent 5,539,389). FlashScan is an all-digital protocol that gives superior precision and high noise immunity.

This protocol enables quick identification of an active input device, as well as activation of many output devices in a fraction of the time required by competitive protocols. The high speed also gives N16

the largest device per loop capacity in the industry – 318 points – yet every input and output device is sampled in less than two seconds. The microprocessor-based FlashScan detectors have bicolor LEDs that can be coded to provide diagnostic information.

NOTIFIER INSPiRE Intelligent Sensing

N16e/x has a set of software algorithms that provide industry-leading smoke detection capability. These complex algorithms process many calculations on each reading of each detector, and are made possible by the high-speed microcomputer used by the N16e/x.

Drift Compensation and Smoothing. Drift compensation allows the detector to retain its original ability to detect actual smoke, and resist false alarms, even as dirt accumulates. It reduces maintenance requirements by allowing the system to automatically perform the periodic sensitivity measurements required by NFPA 72. Smoothing filters are also provided by software to remove transient noise signals, usually caused by electrical interference.

Maintenance Warnings. When the drift compensation performed for a detector reaches a certain level, the performance of the detector may be compromised, and special warnings are given. There are three warning levels: (1) Low Chamber value; (2) Maintenance Alert, indicative of dust accumulation that is near but below the allowed limit; (3) Maintenance Urgent, indicative of dust accumulation above the allowed limit.

Sensitivity Adjust. Nine sensitivity levels are provided for alarm detection. These levels can be set manually, or can change automatically between day and night. Nine levels of pre-alarm sensitivity can also be selected, based on predetermined levels of alarm. Pre-alarm operation can be latching or self-restoring, and can be used to activate special control functions.

Self-Optimizing Pre-Alarm. Each detector may be set for “Self-Optimizing” pre-alarm. In this special mode, the detector “learns” its normal environment, measuring the peak analog readings over a long period of time, and setting the pre-alarm level just above these normal peaks.

Cooperating Multi-Detector Sensing. A patented feature of NOTIFIER INSPiRE Intelligent Sensing is the ability of a smoke sensor to consider readings from nearby sensors in making alarm or pre-alarm decisions. Without statistical sacrifice in the ability to resist false alarms, it allows a sensor to increase its sensitivity to actual smoke by a factor of almost two to one.

Field Programming Options

Autoprogram is a timesaving feature. The FACP “learns” what devices are physically connected and automatically loads them in the program with default values for all parameters. Requiring less than one minute to run, this routine allows the user to have almost immediate fire protection in a new installation, even if only a portion of the detectors are installed.

VeriFire® Tools is an offline programming and test utility that can greatly reduce installation programming time, and increase confidence in the site-specific software. It is Windows® based and provides technologically advanced capabilities to aid the installer. The installer may create the entire program for the N16 in the comfort of the office, test it, store a backup file, then bring it to the site and download from a laptop into the panel (Version 11.2 and higher).

Product Line Information

- “Configuration Guidelines” on page 3
- “Main System Components” on page 3
- “Networking Options” on page 3
- “Auxiliary Power Supplies And Batteries” on page 4
- “Audio Options” on page 4
- “Compatible Devices, EIA-232 Ports” on page 4
- “Compatible Intelligent Devices” on page 4
- “Enclosures, Chassis, And Dress Plates” on page 5
- “Backboxes” on page 5
- “CLSS Gateway and Licenseable Features” on page 6

CONFIGURATION GUIDELINES

Stand-alone and network systems require a main display. The main display must be either NCD, ONYXWorks or one panel in the network with Network Display mode enabled.

MAIN SYSTEM COMPONENTS

CPU-N16LD: N16x with display. Intelligent fire alarm with one SLC loop, 10" touchscreen display, 4 NACs, and power supply; chassis mounted for use in a CAB-5 Series cabinet.

CPU-N16LND: N16x without display, for use as network node. Intelligent fire alarm with one SLC loop, 4 NACs, and power supply; chassis mounted for use in a CAB-5 Series cabinet.

CPU-16-RTO: N16x with display for use in retrofit cabinets. Intelligent fire alarm with one SLC loop, 10" touchscreen display, 4 NACs, and power supply; chassis mounted for use in a CAB-4 Series cabinet.

N16E: Intelligent fire alarm panel with one SLC loop, 10" touchscreen display, 4 NACs, and power supply in a black enclosure.

N16E-R: Intelligent fire alarm panel with one SLC loop, 10" touchscreen display, 4 NACs, and power supply in a red enclosure.

SLM-318: Signaling Line Module provides a Signaling Line Circuit of 159 addressable points. Add SLM-318 units to expand SLC capability. *See DN-62115.*

NETWORKING OPTIONS

NCD: Network Control Display. On network systems (two or more networked fire panel nodes), one network display is required for every system (either NCD, ONYXWorks, or N16 with Network Display mode enabled). On network systems, the NCD connects (and requires) a standard Network Communication module or High-Speed Network Communication Module. *See DN-60974.*

NCM-W, NCM-F: Standard Network Communications Modules. Wire and multi-mode fiber versions available. *See DN-6861.*

HS-NCM-W(-2), HS-NCM-MF, HS-NCM-SF, HS-NCM-WMF(-2), HS-NCM-WSF(-2), HS-NCM-MFSF: High-speed Network Communications Modules that can connect to two nodes. Wire, single-mode fiber, multi-mode fiber, and media conversion models are available. *See DN-60454.*

RPT-W, RPT-F, RPT-WF: Standard-network repeater board with wire connection (RPT-W), multi-mode fiber connection (RPT-F), or allowing a change in media type between wire and fiber (RPT-WF). Not used with high-speed networks. *See DN-6971.*

ONYXWorks: UL-listed graphics PC workstation, ONYXWorks GUI software, and computer hardware. *See DN-7048 for specific part numbers.*

NFN-GW-EM-3: NFN Gateway, embedded. (Replaces NFN-GW-EM.) *See DN-60499.*

CAP-GW: Common Alerting Protocol Gateway. *See DN-60756.*

VESDA-HLI-GW: VESDAnet high-level interface gateway. *See DN-60753.*

LEDSIGN-GW: UL-listed sign gateway. Interfaces with classic and high-speed NOTI•FIRE•NET networks through the NFN Gateway. *See DN-60679.*

OAX2-24V: UL-listed LED sign, used with LEDSIGN-GW. *See DN-60679.*

AUXILIARY POWER SUPPLIES AND BATTERIES

PMB-AUX: Auxiliary power supply, 6 amps, universal AC input, 4 NACs and 2 Auxiliary outputs, chassis-mounted for use in a CAB-5 Series cabinet. Charges 7-100AH batteries. *See DN-62116.*

PMB-AUX-RTO: Auxiliary power supply, 6 amps, universal AC input, 4 NACs and 2 Auxiliary outputs, chassis-mounted for use in a CAB-4 Series cabinet. Charges 7-100AH batteries. *See DN-62116.*

PSE-6/10: PowerStrike™ Remote 6A/10A power supply with battery charger. *See DN-61092.*

BAT Series: Sealed lead-acid batteries listed for fire-protective service. (Required.) *See DN-6933.*

AUDIO OPTIONS

NOTE: *See "Enclosures, Chassis, And Dress Plates" on page 5 for mounting hardware.*

DVC-EM: Digital Voice Command, digital audio processor with message storage for up to 32 minutes of standard quality (4 minutes at high quality) digital audio. *See DN-7045.*

DVC-RPU: Digital Voice Command Remote Paging Unit for use with DVC-EM. Includes the keypad/display. *See DN-60726.*

DS-DB: Digital Series Distribution Board, provides bulk amplification capabilities to the DVC-EM while retaining digital audio distribution capabilities. Can be configured with up to four DS-AMPs, supplying high-level risers spread throughout an installation. *See DN-60565.*

DVC-KD: DVC-EM keypad for local annunciation and controls; status LEDs and 24 user-programmable buttons. *See DN-7045.*

DS-AMP/E: 125W, 25 VRMS, or 100W, 70VRMS. 70VRMS requires DS-XF70V step-up transformer. Digital Series Amplifier, part of the DS-DB system. *See DN-60663.*

DS-RFM, DS-FM, DS-SFM: Fiber conversion modules for DVC-EM, DS-DB distribution board, and DAA2/DAX Series amplifiers. *See DN-60633.*

DAA2-5025(E): 50W, 25 Vrms Digital Audio Amplifier assembly with power supply; includes chassis. *See DN-60556.*

DAA2-5070(E): 50W, 70.7 Vrms Digital Audio Amplifier assembly with power supply; includes chassis. *See DN-60556.*

DAA2-7525(E): 75W, 25 Vrms digital audio amplifier assembly with power supply; includes chassis. *See DN-60556.*

DAX-3525(E): 35W, 25 Vrms Digital Audio Amplifier assembly with power supply, includes chassis. *See DN-60561.*

DAX-3570(E): 35W, 70.7 Vrms Digital Audio Amplifier assembly with power supply, includes chassis. *See DN-60561.*

DAX-5025(E): 50W, 25 Vrms Digital Audio Amplifier assembly with power supply, includes chassis. *See DN-60561.*

DAX-5070(E): 50W, 70.7 Vrms Digital Audio Amplifier assembly with power supply, includes chassis. *See DN-60561.*

TELH-1: Firefighter's Telephone Handset for use with the DVC-EM when mounted in the CA-2 chassis. *See DN-7045.*

CMIC-1: Microphone used with DVC/DVC-EM. Included with CA-2 chassis assembly. *See DN-7045.*

RM-1/RM-1SA: Remote microphone assemblies, mount on ADP-4 (RM-1) dress panel or CAB-RM/RMR (RM-1SA) stand-alone cabinets. *See DN-6728.*

DAA Series Digital Audio Amplifiers: Legacy DAA Series amplifiers are compatible with DVC systems running SR4.0. For specific information on DAA-50 series amplifiers, refer to DN-7046. For information on DAA-7525 Series, refer to DN-60257.

DAX-3525(E): 35W, 25 Vrms Digital Audio Amplifier assembly with power supply, includes chassis. *See DN-60561.*

DAX-3570(E): 35W, 70.7 Vrms Digital Audio Amplifier assembly with power supply, includes chassis. *See DN-60561.*

DAX-5025(E): 50W, 25 Vrms Digital Audio Amplifier assembly with power supply, includes chassis. *See DN-60561.*

DAX-5070(E): 50W, 70.7 Vrms Digital Audio Amplifier assembly with power supply, includes chassis. *See DN-60561.*

COMPATIBLE DEVICES, EIA-232 PORTS

PRN-7: 80-column printer. *See DN-60897*

VS4095/5: Printer, 40-column, 24 V. Order from Keltron, Inc. *See DN-3260.*

COMPATIBLE DEVICES, AIO BUS

ACM-30: Fully-customizable annunciator; independently-configured buttons with up to 60 points of annunciation. LEDs can be programmed to activate in red, green, yellow, white, amber, blue, cyan or purple. Up to 40 annunciators per FACP. *See DN-62114.*

COMPATIBLE INTELLIGENT DEVICES

FSP-951-SELFT: White, low-profile intelligent self-testing photoelectric sensor, FlashScan only. *See DN-62046.*

FSP-951T-SELFT: White, same as FSP-951 but includes a built-in 135°F (57°C) fixed-temperature thermal device, FlashScan only. *See DN-62046.*

FST-951-SELFT: White, low-profile intelligent self-testing 135°F fixed thermal sensor, FlashScan only. *See DN-62046*

FCO-951-IV: FlashScan, Addressable intelligent multi-criteria smoke sensors, photo, carbon monoxide, fixed temperature heat detector, and infra-red (IR). *See DN-61097.*

FPC-951: FlashScan, Combined photoelectric and carbon monoxide sensor. *See DN-62023.*

FWSG Wireless SWIFT Gateway: Addressable gateway supports wireless SLC devices. *See DN-60820*

FSCO-951: FlashScan, Addressable carbon monoxide sensor. *See DN-62018.*

FPTI-951, FPTI-951-IV: Addressable intelligent multi-criteria photoelectric, thermal, and IR sensors. *See DN-62004.*

FS-OSI-RI: Addressable intelligent single-ended beam smoke detector. *See DN-61042.*

FSP-951: White, low-profile intelligent photoelectric sensor, FlashScan only. *See DN-60977.*

FSP-951-IV: Ivory, low-profile intelligent photoelectric sensor.

FSP-951T: White, same as FSP-951 but includes a built-in 135°F (57°C) fixed-temperature thermal device. FlashScan only. *See DN-60977.*

FSP-951T-IV: Ivory, same as FSP-951T but includes a built-in 135°F (57°C) fixed-temperature thermal device.

FSP-951R: White, low-profile intelligent photoelectric sensor, remote test capable. For use with DNR/DNRW. FlashScan only. *See DN-60977.*

FSP-951R-IV: Ivory, low-profile intelligent photoelectric sensor, remote test capable. FlashScan only.

FST-951: White, low-profile intelligent 135°F fixed thermal sensor, FlashScan only. Must be mounted to one of the bases listed below. *See DN-60975.*

FST-951-IV: Ivory, low-profile intelligent 135°F fixed thermal sensor, FlashScan and CLIP. Must be mounted to one of the bases listed below.

FST-951R: White, low-profile intelligent rate-of-rise thermal sensor, FlashScan only. Must be mounted to one of the bases listed below.

FSP-951R-IV: Ivory, low-profile intelligent photoelectric sensor, remote test capable. FlashScan only.

FST-951H: White, low-profile intelligent 190°F fixed thermal sensor, FlashScan only. Must be mounted to one of the bases listed below.

FST-951H-IV: Ivory, low-profile intelligent 190°F thermal sensor, FlashScan and CLIP. Must be mounted to one of the bases listed below.

FSV-951, FSV-951R: White, intelligent high-sensitivity photoelectric smoke detector. *See DN-61053.*

FSV-951-IV, FSV-951R-IV: Ivory, intelligent high-sensitivity photoelectric smoke detector.

VEP-A00-P-NTF: Intelligent aspiration smoke detector with LED display, 4 pipes, covers up to 21,520 square feet. *See DN-61029.*

VEP-A10-P-NTF: Intelligent aspiration smoke detector with LED and LCD display, 4 pipes, covers up to 21,520 square feet. *See DN-61029.*

VEP-A00-1P-NTF: Intelligent aspiration smoke detector with LED display, single pipe, covers up to 10,760 square feet. *See DN-61029.*

VEU-A00-NTF: Intelligent aspiration smoke detector with LED display, 4 pipes, covers up to 69,965 square feet. *See DN-61034.*

VEU-A10-NTF: Intelligent aspiration smoke detector with LED and LCD display, 4 pipes, covers up to 69,965 square feet. *See DN-61034.*

VEA-040-A00-NTF: Intelligent aspiration with LED display, 40 point-addressable detection points. Covers 36,000 square feet. *See DN-61036.*

VEA-040-A10-NTF: Intelligent aspiration with LED and LCD display, 40 point-addressable detection points. Covers 36,000 square feet. *See DN-61036.*

DNR: InnovairFlex low-flow non-relay duct-detector housing. (Order FSP-951R separately.) *See DN-60429.*

DNRW: Same as above with NEMA-4 rating, watertight. *See DN-60429.*

B224RB-WH: White, low-profile relay base. *See DN-60054.*

B224RB-IV: Ivory, plug-in System Sensor relay base.

B224BI-WH: White, isolator base for low-profile detectors. *See DN-60054.*

B224BI-IV: Ivory isolator detector base.

B300-6: White, standard flanged low-profile mounting base. (For 10-pack order B300-6-BP.)

B300-6-IV: Ivory, standard flanged low-profile mounting base.

B501-WHITE: European-style, 4" (10.16 cm) base. (For 10-pack order B501-WHITE-BP.) *See DN-60054.*

B501-BL: Black, 4" standard European flangeless mounting base.

B501-IV: Ivory color, 4" standard European flangeless mounting base.

B200S-WH: White, intelligent programmable sounder base, capable of producing a variety of tone patterns including ANSI Temporal 3. Compatible with synchronization protocol. *See DN-60054.*

B200S-IV: Ivory intelligent, programmable sounder base.

B200S-LF-WH: White, low-frequency version of B200S. *See DN-60054.*

B200S-LF-IV: Ivory, low-frequency version of B200S.

B200SR-WH: White intelligent programmable sounder base, Temporal 3 or Continuous tone. For retrofit installations replacing B501BH series bases. *See DN-60054.*

B200SR-IV: Ivory intelligent programmable sounder base, Temporal 3 or Continuous tone. For retrofit installations replacing B501BH series bases.

B200SR-LF-WH: White, low-frequency version of B200SR. *See DN-60054.*

B200SR-LF-IV: Ivory, low-frequency version of B200SR.

FMM-1: FlashScan monitor module. *See DN-6720.*

FDM-1: FlashScan dual monitor module. *See DN-6720.*

FZM-1: FlashScan two-wire detector monitor module. *See DN-6720.*

FMM-101: FlashScan miniature monitor module. *See DN-6720.*

FTM-1: Firephone Telephone Module connects a remote firefighter telephone to a centralized telephone console. Reports status to panel. Wiring to jacks and handsets is supervised. *See DN-6989.*

FCM-1: FlashScan control module. *See DN-6724.*

FCM-1-REL: FlashScan releasing control module. *See DN-60390.*

FRM-1: FlashScan relay module. *See DN-6724.*

FDRM-1: FlashScan dual monitor/dual relay module. *See DN-60709.*

NBG-12LX: Manual pull station, addressable. *See DN-6726.*

ISO-X: Isolator module. *See DN-2243.*

ISO-6: Six fault isolator module. *See DN-60844.*

XP6-C: FlashScan six-circuit supervised control module. *See DN-6924.*

XP6-MA: FlashScan six-zone interface module; connects intelligent alarm system to two-wire conventional detection zone. *See DN-6925.*

XP6-R: FlashScan six-relay (Form-C) control module. *See DN-6926.*

XP10-M: FlashScan ten-input monitor module. *See DN-6923.*

ENCLOSURES, CHASSIS, AND DRESS PLATES

CAB-5 Series Enclosure: CPU-N16LD and CPU-N16LND mount in a standard CAB-5 Series enclosure (available in 5 sizes, "A" through "E"). Backbox and door ordered separately; requires BP-5 battery plate. *See DN-62113.*

CA-2: Chassis for FACP control panel when DVC-EM is used with firefighter's telephone. Mounts in the top two rows of a CAB-4 series enclosure.

DP-T2A: Dress panel for CAB-5 Series, mounts 10" display and two ACM-30 annunciators.

DP-T2A-CB4: Dress panel for CAB-4 Series, mounts 10" display and two ACM-30 annunciators.

DP-4A: Dress panel for CAB-5 Series, mounts four ACM-30 annunciators.

DP-BLN: Blank dress panel. Provides dead-front panel for unused tiers in a CAB-5 Series enclosure.

BP-5: Battery plate, required.

NFS-LBB: Battery Box. The NFS-LBB is used to mount up to two 55 AH batteries. Dimensions: Box: 24" (610 mm) wide x 14" (356 mm) high x 7.75" (197 mm) deep. Door: 24.125" (613 mm) wide x 14.25" (362 mm) high; door adds 0.0625" (approx. 1.6 mm) to depth.

CHS-CGW: Chassis for mounting the CGW-MBB in a CAB-4 or CAB-5 Series enclosure.

CHS-ADP: Adapter plate for mounting a CAB-4 chassis in a CAB-5 Series enclosure.

BACKBOXES

BB-100: Backbox for batteries and power supplies. The BB-100 mounts up to two 100 AH batteries and power supply, if needed. 30" (76.20 cm) wide x 25" (63.50 cm) high x 7.5" (19.05 cm) deep; depth includes door.

BB-200: Backbox for batteries and power supplies. Holds up to four 100 AH batteries (200 AH capacity) and power supply. 30" (76.20 cm) wide x 36" (91.44 cm) high x 7.5" (19.05 cm) deep; depth includes door.

ABB-1: Backbox for ACM-30 annunciator, 1 position.

ABB-2: Backbox for ACM-30 annunciator, 2 position.

NBB-2: Annunciator backbox, 2 position.

CLSS GATEWAY AND LICENSEABLE FEATURES

CGW-MBB: CLSS Gateway for Internet/cloud-based communication between the FACP and peripheral devices. See *HON-62034*.

HON-CGW-MBB: CLSS Gateway, pre-installed in a cabinet. See *HON-62034*.

Licenseable features: Individually purchased and downloaded to a specific panel.

- **N16-CAC:** Custom Action Button expansion. Adds 8 custom action buttons to an N16 panel (maximum 32 buttons).
- **N16-CLIP:** Enables CLIP mode on an N16 panel.
- **N16-GZN:** General Zone expansion. Adds 250 general zones to an N16 panel (maximum 2000 zones).
- **N16-LGZ:** Logic Zone expansion. Adds 250 logic zones to an N16 panel (maximum 2000 zones).
- **N16-NWD:** Enables Network Display Mode on an N16 panel to emulate NCD's network display capabilities.
- **N16-UZC:** Universal Zone Coding, enables UZC for an N16 panel.

NOTE: For other options including compatibility with retrofit equipment, refer to the panel's installation manual, the SLC manual, and the Device Compatibility Document.

SPECIFICATIONS

SYSTEM CAPACITY

- Intelligent Signaling Line Circuits
 - N16e 1 expandable to 3
 - N16x 1 expandable to 10
- Intelligent detectors 159 per loop
- Addressable monitor/control modules 159 per loop
- Programmable software zones over 2000
- AIO Annunciators per N16 40
- Network nodes up to 200 per network

ELECTRICAL SPECIFICATIONS

Primary Input Power:

PMB-AUX(-RTO): 120VAC 50/60 Hz 2.5A, 240VAC 50/60 Hz, 1.25A

24VDC aux outputs: Power-limited (Class 2) 24V @ 1.5A each, Special Applications Aux Power, Aux 1 Class A/B, Aux 2 Class B only.

Current draw (Standby/Alarm):

- TB1 SLC Connection 24VDC
- Alarm 210mA
- Class B/A/X
- Standby 159mA
- Power Limited
- Supervised
- 50 ohms Maximum

Battery charger range: 7 AH – 100 AH. Use separate cabinet for batteries over 26 AH.

Charging current: 1A, 2A, and 4.25A

Float Rate: 27.6 V.

PHYSICAL SPECIFICATIONS

N16e Shipping Weight: 35 lb

N16e Backbox dimensions: 20.31" H x 24.00" W x 5.5" D (51.6 cm H x 61 cm D x 14cm D)

Temperature and Humidity Ranges: This system meets NFPA requirements for operation at 0 – 49°C/32 – 120°F and at a relative humidity 93% ± 2% RH (noncondensing) at 32°C ± 2°C (90°F ± 3°F). However, the useful life of the system's standby batteries and the electronic components may be adversely affected by extreme temperature ranges and humidity. Therefore, it is recommended that this system and its peripherals be installed in an environment with a normal room temperature of 15 – 27°C/60 – 80°F.

AGENCY LISTINGS AND APPROVALS

These listings and approvals apply to the modules specified in this document. In some cases, certain modules or applications may not be listed by certain approval agencies, or listing may be in process. Consult NOTIFIER for latest listing status.

- **UL Listed:** S635.

STANDARDS

The N16 Series complies with the following UL Standards and NFPA 72 Fire Alarm Systems requirements:

- **UL 864**, 10th edition (Fire).
- **UL 1076** (Burglary).
- **UL 2017** (General-Purpose Signaling Devices and Systems).
- **NFPA 72 Local** (Automatic, Manual, Waterflow, and Sprinkler Supervisory).
- **NFPA 72 Central Station** (Automatic, Manual, Waterflow, and Sprinkler Supervisory, requires CGW-MBB or HON-CGW-MBB.)
- **NFPA 72 Remote Station** (Automatic, Manual, Waterflow, and Sprinkler Supervisory) (requires UL 10th edition listed DACT).
- **NFPA 72 Proprietary** (Automatic, Manual, Waterflow, and Sprinkler Supervisory).
- **NFPA 72 Emergency Voice/Alarm** (requires DVC/DAA/DAA-2)
- **NFPA 72 PB** (Performance Based Technologies) (Requires CGW-MBB or HON-CGW-MBB).

NOTE: Install in accordance with the UL and NFPA standards specified in panel documentation.



This document is not intended to be used for installation purposes.

We try to keep our product information up-to-date and accurate.

We cannot cover all specific applications or anticipate all requirements.

All specifications are subject to change without notice.

NOTIFIRE INSPIRE™ and NOTIFIRE-NET™ are trademarks; and Acclimate®, FlashScan®, NOTIFIER®, ONYX®, ONYXWorks®, SWIFT®, VeriFire® Tools, VESDA®, and VIEW® are all registered trademarks of Honeywell International Inc.

©2021 by Honeywell International Inc. All rights reserved. Unauthorized use of this document is strictly prohibited.

Country of Origin: USA

NOTIFIER

12 Clintonville Road
Northford, CT 06472
203.484.7161
www.notifier.com





Office of General Services
Procurement Services

Corning Tower, Empire State Plaza, Albany, NY 12242 | <https://ogs.ny.gov/procurement> | customer.services@ogs.ny.gov | 518-474-6717

Contract Award Notification

Title	: Group 77201 – Intelligent Facility & Security Systems and Solutions (Statewide) Classification Code(s): 32, 43, 46, 92
Award Number	: 23150 (Replaces Award 20191)
Contract Period	: August 27, 2019 – August 26, 2024
Bid Opening Date	: June 6, 2019
Date of Issue	: August 27, 2019 (Revised November 15, 2022)
Specification Reference	: As Incorporated In The Solicitation and Contract Award Letters
Contractor Information	: Appears on Page 2 of this Award

Address Inquiries To:

State Agencies, Authorized Users, Vendors, and all Others	
Name	: Jennifer Stafford
Title	: Contract Management Specialist
Phone	: 518-473-7145
E-mail	: OGS.sm.SST_security@ogs.ny.gov

**Procurement Services values your input.
Complete and return "Contract Performance Report" at end of document.**

Description

This Award is to provide Intelligent Facility & Security Systems and Solutions throughout the State. This contract makes use of a regional approach, with New York State being divided into nine (9) Regions. This contract has two (2) Lots: Lot 1 for Equipment Only, and Lot 2 for Systems & Solutions (Equipment, Installation, Integration, and Maintenance). To obtain Equipment and Services under This Award, Authorized Users should review the "How-to-Use" guide that is part of This Award.

This Contract Award Notification contains MWBE goals of 15% MBE and 15% WBE. SDVOB Goals of 6%.

PR # 23150

(continued)

CONTRACT #	LOT	REGIONS	CONTRACTOR & ADDRESS	FED. I.D. #	NYS VENDOR #
PT68744 MBE SBE	2	1, 2	Troy Dwain Binns LLC dba 1Star-Networks LLC 1140 E 92 nd St Brooklyn, NY 11236	271184856	1100104305
PT68745 SBE	2	1-9	A+ Technology & Security Solutions, Inc. 1490 North Clinton Ave Bay Shore, NY 11706	113571518	1100005450
PT68746 SBE	2	1, 2, 3, 4, 5	Absolute Connections, Inc. 220 N Putt Corners Rd New Paltz, NY 12561	050566475	1100125900
PT68747 WBE SBE	2	5, 7	Access Technology Integration, Inc. 461 Main Ave., P.O. Box 233 Wynantskill, NY 12198	562652558	1000009524
PT68748 SBE	2	1-9	Adirondack Cabling, Inc. dba Adirondack Security 10 Petra Lane Albany, NY 12205	141686851	1000007019
PT68749	2	1, 2, 3, 4	AFA Protective Systems Inc. 155 Michael Drive Syosset, NY 11791	131805009	1000026031
PT68750 SBE	1	4, 5, 6, 7, 8	Air Temp Heating & Air Conditioning, Inc. 1165 Front St Binghamton, NY 13905	161215020	1000015569
PT68751 SBE	2	5, 6	Alarm and Suppression, Inc. 331 Ushers Rd, Suite 3 Ballston Lake, NY 12019	223287148	1000017106
PT68752 SBE	2	2, 3, 4	Alarm Specialists 333 Old Tarrytown Rd White Plains, NY 10603	133049123	1100128520
PT68754	2	5, 6, 7	Alltech Integrations, Inc. 7463 State Highway 11 Potsdam, NY 13676	261710207	1100018580
PT68756 SBE	2	1, 2	American Security Technologies, Inc. d/b/a Life Button 24, Smoke Alarm Monitoring, Monitored Tech 580 East Meadow Ave East Meadow, NY 11554	112850362	1000046981
PT68757	1	1-9	Anixter, Inc. 325 Washington Ave Ext., Suite 100 Albany, NY 12205	362361285	1000004825
PT68758 MBE SBE	2	3, 4	Arco Protection Systems, Inc. 532 Main St. Poughkeepsie, NY 12601	743083532	1100016668
PT68759	1	1-9	Armstrong Pumps, Inc. 93 East Ave North Tonawanda, NY 14120	160910412	1100198812

Cash Discount, If Shown, Should be Given Special Attention.
INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.
 (See "Contract Payments" and "Electronic Payments in this document.)

AGENCIES SHOULD NOTIFY PROCUREMENT SERVICES PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO PROCUREMENT SERVICES.

LOTS:

This Award consists of the following Lots:

LOT 1: Equipment Only

LOT 2: Systems & Solutions (Equipment, Installation, Integration, and Maintenance)

REGIONS:

This Award contains the Regions set forth below:

Regions	Counties	
Region 1	Nassau	Suffolk
Region 2	Bronx Kings New York	Queens Richmond
Region 3	Dutchess Putnam	Westchester
Region 4	Orange Rockland	Sullivan Ulster
Region 5	Albany Columbia Delaware Fulton Greene	Montgomery Otsego Rensselaer Schenectady Schoharie
Region 6	Clinton Essex Franklin Hamilton	Saratoga Warren Washington
Region 7	Cayuga Herkimer Jefferson Lewis Madison	Oneida Onondaga Oswego St. Lawrence
Region 8	Broome Chemung Chenango Cortland Livingston Monroe Ontario	Schuyler Seneca Steuben Tioga Tompkins Wayne Yates
Region 9	Alleghany Cattaraugus Chautauqua Genesee	Erie Niagara Orleans Wyoming

CONTRACTOR INFORMATION (Updated 11/15/22)

Service Disabled
 Veteran Owned
 Business (SDVOB)

Contractor Name	Contract #	Lot Awarded	Regions Awarded	Business (SDVOB)
Troy Dwain Binns LLC dba 1Star-Networks LLC	PT68744	Lot 2	1,2	
A+ Technology & Security Solutions, Inc.	PT68745	Lot 2	1,2,3,4,5,6,7,8,9	
Absolute Connections, Inc.	PT68746	Lot 2	1,2,3,4,5	
Access Technology Integration	PT68747	Lot 2	5,7	
Adirondack Cabling Inc. d/b/a Adirondack Security	PT68748	Lot 2	1,2,3,4,5,6,7,8,9	
AFA Protective Systems, Inc.	PT68749	Lot 2	1,2,3,4	
Air Temp Heating & Air Conditioning, Inc.	PT68750	Lot 1	4,5,6,7,8,9	
Alarm and Suppression, Inc.	PT68751	Lot 2	5,6	
Alarm Specialists Inc.	PT68752	Lot 2	1,2,3,4	
Alltech Integrations, Inc.	PT68754	Lot 2	5,6,7	
American Security Technologies, Inc. d/b/a Life Button 24, Smoke Alarm Monitoring, Monitored Tech	PT68756	Lot 2	1,2	
Anixter, Inc.	PT68757	Lot 1	1,2,3,4,5,6,7,8,9	
Arco Protection Systems, Inc.	PT68758	Lot 2	3, 4	
Armstrong Pumps, Inc.	PT68759	Lot 1	1,2,3,4,5,6,7,8,9	
Ber-National Controls, Inc.	PT68761	Lot 2	5,6,7,8,9	
Briscoe Protective LLC	PT68762	Lot 2	1,2	
Canal Alarm Devices, Inc. d/b/a Surveillance Video	PT68763	Lot 1	1,2,3,4,5,6,7,8,9	
Care Security Systems, Inc.	PT68764	Lot 2	1,2,3,4,5	
Carrier Communications Corp d/b/a Multi-Media Communication	PT68765	Lot 2	1,2	
Carrier Corporation	PT68766	Lot 2	1,2,3,4,5,6,7,8,9	
Central Home Systems, Inc. dba CHS	PT68768	Lot 2	1,2,3,4	

Group 77201 - Award 23150
Intelligent Facility Security Systems and Solutions

Contractor Name: Arco Protection Systems Inc	
Person to contact for Contract Administration issues:	
Name:	Christopher Arco
Title:	Vice President
Telephone Number:	845-463-6900
Toll Free Telephone Number:	
E-Mail Address:	chris.arco@arco-systems.com
Customer Service contact for New York State Contract Orders during normal business hours:	
List normal business hours (Specify M-F, Sat, Sun):	Monday-Friday 8:00AM-4:30PM
Name:	Jay Boulle
Title:	Service Manager
Telephone Number:	845-463-6900
Toll Free Telephone Number:	
E-Mail Address:	jay.boulle@arco-systems.com
Person to contact for Billing issues:	
List normal business hours (Specify M-F, Sat, Sun):	Monday-Friday 8:00AM-4:30PM
Name:	Melissa Arco
Title:	Accounting
Telephone Number:	845-463-6900
Toll Free Telephone Number:	
E-Mail Address:	melissa.arco@arco-systems.com
Person to contact in the event of an emergency occuring after normal business hours or on weekend/holidays:	
Name:	Christopher Arco
Title:	Vice President
Telephone Number:	845-463-6900
Toll Free Telephone Number:	
E-Mail Address:	chris.arco@arco-systems.com

This page has been left blank intentionally.

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

***** 743083532
ARCO PROTECTION SYSTEMS INC
532 MAIN STREET
POUGHKEEPSIE NY 12601



SCAN TO VALIDATE
AND SUBSCRIBE

POLICYHOLDER ARCO PROTECTION SYSTEMS INC 532 MAIN STREET POUGHKEEPSIE NY 12601		CERTIFICATE HOLDER TOWN OF NEW CASTLE 200 SOUTH GREELEY AVE CHAPPAQUA NY 10514	
POLICY NUMBER A1357 902-4	CERTIFICATE NUMBER 439615	POLICY PERIOD 06/10/2023 TO 06/10/2024	DATE 6/21/2023

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1357 902-4, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT [HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP](https://www.nysif.com/cert/certval.asp). THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 74590592

Julia Golden

From: Michael Goldman [Michael.Goldman@FoaSon.com] <Michael.Goldman@foason.com>
Sent: Thursday, July 13, 2023 12:49 PM
To: Julia Golden
Subject: RE: COI - Town Hall Fire Alarm Proposal
Attachments: Town of New Castle - revised certificate.pdf; WC - TOWN OF NEW CASTLE.pdf; AUTO - Town of New Castle.pdf; 20230036_Town Of New Castle_Town Hall FA Sys_Revision #1.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Julia,

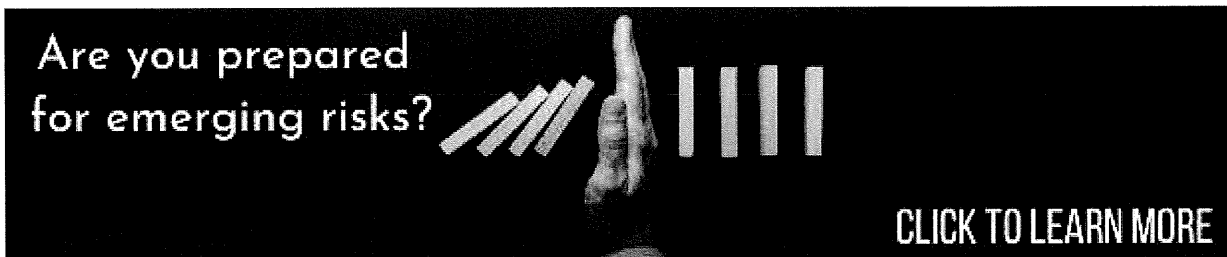
I reviewed the attached COI for the fire alarm systems work.

Their insurance meet's all of the Town's insurance requirements.

Thank you,



Michael Goldman, Associate Account Executive
Foa & Son Insurance | 200 Broadhollow Road, Melville, NY 11747-2357 USA
Direct +1 (516) 512-5524 | Mobile +1 (631) 220-2956



CA Agency License 6007919, Justin Foa CA License 0C98169. *This email and any attachments are Confidential Documents. If you believe that you are not the intended recipient, then pursuant to applicable law please immediately notify the sender by reply email, and permanently delete these Confidential Documents.*

From: Julia Golden <JGOLDEN@mynewcastle.org>
Sent: Thursday, July 13, 2023 12:06 PM
To: Michael Goldman [Michael.Goldman@FoaSon.com] <Michael.Goldman@foason.com>
Subject: COI - Town Hall Fire Alarm Proposal

Good afternoon Michael,

Sorry, another review please. They are performing fire alarm system work for the Town. The attached quote is for Town Hall. We will have additional proposals from ARCO for other town owned buildings.
Thank you again for your help.

Best,

Julia Golden, MPA

Secretary to the Commissioner

Department of Public Works

Town of New Castle

280 Joan Corwin Way

Chappaqua, New York 10514

P - 914-238-3968 | F - 914-238-6205

jgolden@mynewcastle.org

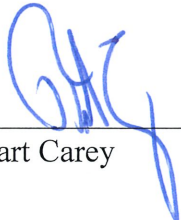
MEMO: Town Administrator Shapiro and Town Board
FROM: Commissioner Carey
DATE: September 14, 2023
RE: Authorization to Purchase Fire Alarm Components, and Engineering and Start-up Services from ARCO Protection Services, Inc.

We are requesting authorization to purchase fire alarm components, and engineering and start-up services from ARCO Protection Services, Inc. for the amount of \$36,849.19. Attached, please see quote 20230043, dated September 13, 2023 from ARCO and requisition.

The quote obtained totals the cost to be \$53,725.24, however, because we are able to perform the installation in-house, ARCO will deduct the labor cost of \$16,876.05. Choosing Alternate #1 from page five of the quote, Schedule A – Payment Schedule and Alternate Pricing is the most economical option.

Under the OGS Contract Award 23150, Group 77201, ARCO Protection Services, Inc. will provide fire alarm system materials, electrical materials, technical labor, and engineering services to install a complete building fire alarm system for DPW. The quote provided the labor cost for an electrician to perform the installation of the alarm system. We are proposing to have our in-house Master Electrician perform this installation work, thus saving the Town \$16,876.05. This in-house work will include running the conduit and wire, along with device installation.

Thank you for your consideration.



Bart Carey

BC: jg

Attachments

cc: Assistant Commissioner Castello



TOWN OF NEW CASTLE

200 S. Greeley Avenue, Chappaqua, New York 10514 • Ph. (914) 238-4723 • Fax (914) 238-5177 •
Email: building@town.new-castle.ny.us

**Building, Engineering, Planning
& Zoning Departments**

Director of Planning
Sabrina Charney-Hull, AICP

Town Engineer
Robert J. Cioli, P.E.

Building Inspector
Thomas DePole III

Environmental Coordinator
Dennis Corelli, PWS

Secretary
Building-Daisy Hernandez
Planning- Felicia Cusano
Zoning-Jaclyn Trifiletti

MEMORANDUM

To: Town Board
From: Dennis Corelli, PWS Environmental Coordinator
Cc: Jill Simon-Shapiro, Town Administrator
Re: Beautification Board: Downtown Chappaqua and Millwood
Holiday Lighting/Decorating Vendor Bid and Recommended
Approval to Award Christmas Lighting Company
Date: September 22, 2023

A breakdown per task bid request for Holiday Lighting/Decorating services for the Downtown Chappaqua and Millwood areas was provided to the following four vendors for 2023:

- Christmas Lighting Company, Pearl River NY
- NY Landscape Lighting LLC, Yorktown Heights NY
- Neave Décor, Wappingers Falls NY
- Holiday Outdoor Décor, Allentown PA

For the 2023 bid, one requested year-round service represents replacement of a permanent installation with respect to the 3 vendors who did not complete the 2022 Downtown Chappaqua Holiday Lighting/Decorating. To illustrate this service at the Train Station, it is indicated below in bold text for context to evaluate accordingly. For reference, the 2022 bid award amount was \$20,050. *Also, of note for 2022 \$3,000 was refunded to New Castle by Christmas Lighting Company as Town staff inadvertently completed the Downtown Millwood Area lights.*

-Downtown Chappaqua Area: Trunk/Branch wrap trees with LED mini lights on 2 red maple trees to ~30'-35' in height (trees are 19" & 23" in diameter at breast height) and canopy wrap Taxus hedge-all three specimens located in Traffic Triangle of South Greeley Ave. & Quaker Street; Color Warm White

-Downtown Chappaqua Area: Wrap 55 lamp post poles with 140 5mm LED mini lights; Color Warm White

-Chappaqua Train Station: Wrap 22 lamp post poles in center-island, outer island and Woodburn Avenue with 140 5mm LED mini lights; Color Warm White



TOWN OF NEW CASTLE

200 S. Greeley Avenue, Chappaqua, New York 10514 • Ph. (914) 238-4723 • Fax (914) 238-5177 •
Email: building@town.new-castle.ny.us

-Downtown Millwood Area: Wrap 37 lamp post poles with 140 5mm LED mini lights; Color Warm White

-Chappaqua Train Station: Train Station building roof line install e9 LED bulbs to gutter on all sides of building; Color Warm White
NOTE: This portion of the installation to remain up year round

The following bid for 2023 was received (see attachments):

- Christmas Lighting Company dated 8/28/23 - \$16,550 total (NOTE: their cost for 2023 per bid item is identical to 2022)
- Neave Décor - A bid was not received (*Note: They did submit a bid for 2022, 2021 & 2020, their response for not preparing a bid for 2023 is also attached*)
- NY Landscape Lighting LLC – A bid was not received (*Note: They also did not submit a bid for 2021 or 2022, but did submit a bid for the 2020 Downtown Chappaqua Holiday Lighting/Decorating*)
- Holiday Outdoor Décor, Allentown PA – A bid was not received

Town Board liaison to the Beautification Board Alexandra Chemtob and I reviewed the bid received. As Christmas Lighting Company completed last year's Holiday Lighting/Decorating services and submitted the only bid, they represent the lowest responsible bidder.

Christmas Lighting Company bid breakdown:

-Downtown Chappaqua Area: Trunk/Branch wrap trees with LED mini lights on 2 red maple trees to ~30'-35' in height (trees are 19" & 23" in diameter at breast height) and canopy wrap Taxus hedge-all three specimens located in Traffic Triangle of South Greeley Ave. & Quaker Street; Color Warm White = **\$7,250**

-Downtown Chappaqua Area: Wrap 55 lamp post poles with 140 5mm LED mini lights; Color Warm White = **\$4,500**

-Chappaqua Train Station: Wrap 22 lamp post poles in center-island, outer island and Woodburn Avenue with 140 5mm LED mini lights; Color Warm White = **\$1,800**

-Downtown Millwood Area: Wrap 37 lamp post poles with 140 5mm LED mini lights; Color Warm White = **\$3,000**



TOWN OF NEW CASTLE

200 S. Greeley Avenue, Chappaqua, New York 10514 • Ph. (914) 238-4723 • Fax (914) 238-5177 •
Email: building@town.new-castle.ny.us

**-Chappaqua Train Station: Train Station building roof line install
e9 LED bulbs to gutter on all sides of building; Color Warm White
NOTE: This portion of the installation to remain up year round =
*Not Applicable to Christmas Lighting Company bid***



August 28, 2023

Town of New Castle
200 S. Greeley Ave.
Chappaqua, NY 10514






To Whom It May Concern,

Season's greetings! It's hard to believe, but we are already planning our decorating season!!

As a renewing Christmas decorating service customer, we have enclosed this season's decorating proposal for your review. The renewal agreement includes all of the service items you received last year and any requested changes for the upcoming season.

Please review and sign the agreement, then return the signed copy along with your payment in the envelope provided.

Deposits and pre-payments must be returned by the dates listed below and on the proposal to ensure your pre-payment discount and timely scheduling of your installation.

-  To ensure your place on our schedule, a 50% deposit must be received by October 1st. Please be aware that our installation schedule can fill up very quickly.
-  Timers will be set from 4:30 pm until 12:00 am unless otherwise directed. If you would like your timer to be set for a different start or stop time please indicate your preference on your contract.
-  Keep in mind that you may still add items to upgrade your display. All added items will become part of your continuing-service in the future.
-  If you would like a design consultation, please call the office and we will set up an appointment to go over any design changes you would like.
-  **Please note: ALL credit card payments will incur a 3.2% convenience fee**

Please email us at LightsbyCLC@gmail.com or call us at 845-920-1771.

We look forward to providing you with remarkable service!

Christmas Lighting Company
PO Box 1151 • Pearl River, NY 10965
Ph: 845-920-1771



August 29, 2023

Services Agreement

This Agreement, effective August 29, 2023, is by and between **The Town of New Castle** and **Christmas Lighting Company**

Whereas, The Town of New Castle require certain holiday decorations

Whereas, Christmas Lighting Company has considerable expertise and is in the business of providing such services and **The Town of New Castle** desires to engage **Christmas Lighting Company** to perform such services.

Now, Therefore, in consideration of the mutual promises set forth herein, **The Town of New Castle** and **Christmas Lighting Company** hereby agree as follows.

Services to be Provided. Contractor, in a manner consistent with the highest standards of persons regularly engaged in providing such services, shall provide to **The Town of New Castle** such holiday decorating services as further described in **Schedule A**, attached hereto and made part hereof (**the Services**). This is a service agreement and no goods are being sold.

Financial Arrangement. As consideration for the services to be provided under this agreement, **The Town of New Castle** shall compensate **Christmas Lighting Company** in an amount that shall be paid in the manner described in **Schedule A**.

Insurance. **Christmas Lighting Company.** shall meet the insurance requirements set forth in **Schedule A**.

Photos: Please note that unless otherwise agreed upon, **Christmas Lighting Company** reserves the right to take photos of our decor services on your property, and use representations of these same photos for marketing purposes to include, but not limited to, brochures, portfolios, internet or postcards. The use of photo representations does not imply any financial or other consideration will be given for said use. Further, we reserve the right on commercial accounts to state the property name and/or address.

In Witness Whereof, the parties have executed this agreement as of the date set forth above.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

On Behalf of:

The Town of New Castle

200 S Greeley Ave
Chappaqua, NY 10514

On Behalf of

Christmas Lighting Company

PO Box 1151
Pearl River, NY 10965



Schedule A

*Please note all prices are for LED lights.

*All material supplied by Christmas Lighting Company remains the property of Christmas Lighting Company

*All material owned by Christmas Lighting Company will be stored at Christmas Lighting Company facility

* Price includes all labor, equipment, materials, and liability insurance.

Downtown Area

1) Triangle Island:

2 large Maple trees and hedge of Taxus shrubs in triangle

Branch wrap 2 large maples to approximately 30-35 feet

Install lights to taxus hedge in middle of triangle

\$7,250.00 per season

2) Downtown area lamp posts (55 total)

Wrap all poles with 140 5mm mini lights

\$4,500.00 per season

3) Train station lamp posts (22 in center island, outer island and Woodburn Ave)

Wrap all poles with 140 5mm mini lights

\$1,800.00 per season

4) Millwood Lamp Posts

Millwood lamp posts (37 total)

Wrap all poles with 140 5mm mini lights

\$3,000.00 per season

Total for Items 1 thru 5

\$16,550.00

due upon signing of contract

Dennis Corelli

From: Kim Cassidy <kim@neavegroup.com>
Sent: Monday, September 18, 2023 9:42 AM
To: Dennis Corelli
Cc: Jill Shapiro; Alexandra L. Chemtob; Kathleen Neave
Subject: RE: Town of New Castle NY - Holiday Lighting Request For Bid Due Friday 9/22/23

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Dennis –

Thank you for reaching out to us again this year to participate in the holiday lighting bid.

Every year, we spend several hours putting together the best proposal for you and your team. Sadly, we are never awarded the business, which, understandably happens.

However, we are rarely offered the professional courtesy of being told we're not awarded the contract (even after following up multiple times), nor are we given any constructive feedback on how we could improve for the next year. It's because of those reasons, that we will regretfully NOT be participating in this bid this year.

Thank you!
Kim

Kimberly Cassidy
Holiday Designer



One Team, Inspiring Peace of Mind and Better Living

Office: 845-463-0592 x202
Fax: 845-463-4596

CONFIDENTIALITY NOTE: This email and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this email or any attachments is prohibited under applicable law. If you have received this email in error, please notify us immediately by returning it to the sender and delete this message in its entirety from your computer. The sender does not accept any liabilities for errors, omissions, corruption, or virus in the contents of this email or attachments that may arise as a result of your receiving this email transmission.

Love what we do? The biggest compliment is a review! Review us on Google: <https://q.page/r/CW5xPOvUkAkPEAg/review>

From: Dennis Corelli <dcorelli@mynewcastle.org>
Sent: Wednesday, September 13, 2023 3:30 PM
To: Kathleen Neave <kathy@neavegroup.com>
Cc: Jill Shapiro <JSHAPIRO@mynewcastle.org>; Alexandra L. Chemtob <achemtob@mynewcastle.org>
Subject: Town of New Castle NY - Holiday Lighting Request For Bid Due Friday 9/22/23

ATTENTION: This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments!

Hello Kathy,

Copied herein is the Town Board liaison to the Beautification Board and Town Administrator, in the Town of New Castle, N.Y. On the subject of Seasonal Lighting in New Castle's downtown areas, the Town is requesting a cost breakdown per listed item for respective services:

-Downtown Chappaqua Area: Trunk/Branch wrap trees with LED mini lights on 2 red maple trees to ~30'-35' in height (trees are 19" & 23" in diameter at breast height) and canopy wrap Taxus hedge-all three specimens located in Traffic Triangle of South Greeley Ave. & Quaker Street; Color Warm White

-Downtown Chappaqua Area: Wrap 55 lamp post poles with 140 5mm LED mini lights; Color Warm White

-Chappaqua Train Station: Wrap 22 lamp post poles in center island, outer island and Woodburn Avenue with 140 5mm LED mini lights; Color Warm White

-Downtown Millwood Area: Wrap 37 lamp post poles with 140 5mm LED mini lights; Color Warm White

- Chappaqua Train Station: Train Station building roof line install c9 LED bulbs to gutter on all sides of building; Color Warm White NOTE: This portion of the installation to remain up year round

If you wish to perform a reconnaissance of the biotic and abiotic subject matter proposed for light wrapping and installations, I'd be happy to accompany you if so desired to aide in developing a cost proposal.

Thank for your time and attention,

Dennis N. Corelli, PWS
Town Environmental Coordinator, Development Dept.
Town of New Castle
200 S. Greeley Avenue
Chappaqua, NY 10514
(914) 238-7278 - Phone
(914) 238-5177 - Fax

From: [Jill Shapiro](#)
To: [Lauren Cascone](#)
Subject: Fwd: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot
Date: Friday, September 22, 2023 11:54:31 AM

Sent from my iphone please excuse typos

Begin forwarded message:

From: Ben Serebin <ben@reefsolutions.com>
Date: September 22, 2023 at 10:01:46 AM EDT
To: Jill Shapiro <JSHAPIRO@mynewcastle.org>
Cc: Tiffany White <twhite@mynewcastle.org>
Subject: RE: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

Hi Jill,

I spoke with NCPD and the event will be postponed due to the rain until the potentially approved next date. I've alerted the Farmers Market too.

Thank you,
-Ben

From: Jill Shapiro <JSHAPIRO@mynewcastle.org>
Sent: Wednesday, September 20, 2023 3:38 PM
To: Ben Serebin <ben@reefsolutions.com>
Cc: Tiffany White <twhite@mynewcastle.org>
Subject: Re: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

I will need to check with the town board next week

Sent from my iphone please excuse typos

On Sep 20, 2023, at 3:33 PM, Ben Serebin <ben@reefsolutions.com> wrote:

Hi Jill,

Mother Nature now is showing a decent amount of rain all day Sat. Sigh.
Rain is 60% likely at 5am, and then 80% by 9am, and increasing. 2 things:

1. I plan to delay the postpone decision to Fri in case weather changes if we proceed Sat. I'll confirm on Fri AM the plan.
2. If we postpone, I checked the NC calendar (screenshot below) and nothing is planned for 10/14, is that an option for the town? I spoke with Wendy and they approved the potential rain date 10/14.

Thank you,
-Ben

<image001.png>

From: Ben Serebin
Sent: Wednesday, September 20, 2023 2:04 PM
To: Jill Shapiro <JSHAPIRO@mynewcastle.org>
Cc: Tiffany White <twhite@mynewcastle.org>
Subject: RE: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

Great, thanks!

-Ben

From: Jill Shapiro <JSHAPIRO@mynewcastle.org>
Sent: Wednesday, September 20, 2023 1:45 PM
To: Ben Serebin <ben@reefsolutions.com>
Cc: Tiffany White <twhite@mynewcastle.org>
Subject: RE: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

Yes- it was approved at last nights's meeting.

Jill Simon Shapiro
Town Administrator
Town of New Castle
200 South Greeley Avenue
Chappaqua, NY 10514
Please note my new phone number and email address:
Office: (914) 238-4742 **cell:** 914.656.1365

JSHAPIRO@MYNEWCASTLE.ORG

From: Ben Serebin <ben@reefsolutions.com>
Sent: Wednesday, September 20, 2023 1:19 PM
To: Jill Shapiro <JSHAPIRO@mynewcastle.org>
Cc: Tiffany White <twhite@mynewcastle.org>
Subject: RE: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

Hi Jill,

Eager to know if the Electric Vehicle showcase was approved for this Sat 9/23? I've lined up the drivers, but have been holding off on more marketing until I know.

Thank you,
-Ben Serebin
646-319-9051

From: Ben Serebin
Sent: Friday, September 15, 2023 1:54 PM
To: Jill Shapiro <JSHAPIRO@mynewcastle.org>
Cc: Tiffany White <twhite@mynewcastle.org>
Subject: RE: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

Thanks for clarifying. I eagerly await the response on 9/19 or 9/20.

Thank you,
-Ben

From: Jill Shapiro <JSHAPIRO@mynewcastle.org>
Sent: Friday, September 15, 2023 1:47 PM
To: Ben Serebin <ben@reefsolutions.com>
Cc: Tiffany White <twhite@mynewcastle.org>
Subject: Re: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

You need permission from the town board-it is on the next agenda 9/19 for approval

Sent from my iphone please excuse typos

On Sep 15, 2023, at 12:14 PM, Ben Serebin
<ben@reefsolutions.com> wrote:

Hi Jill,

I've gotten approval from Chappaqua Farmers Market and NCPD **pending your approval** to run an Electric Vehicle Showcase next Sat 9/23. Can you please advise?

I've attached the original attachments and emails below showing approval from CFM and NCPD.

Thank you,
-Ben Serebin
646-319-9051

From: Ben Serebin
Sent: Friday, September 15, 2023 10:18 AM
To: Frank Hrotko <FHROTKO@mynewcastle.org>
Subject: RE: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

Hello Lt. Hrotko,

Thank you. If we get the green light (it is a car show) from the administrator will she alert you, or should I follow up? Couldn't resist with the joke.

Thank you,
-Ben Serebin
646-319-9051

From: Frank Hrotko <FHROTKO@mynewcastle.org>
Sent: Thursday, September 14, 2023 8:11 PM
To: Ben Serebin <ben@reefsolutions.com>
Subject: RE: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

Ben,

I was forwarded your email from our general patrol account. If this event is permitted by the town, we will accommodate with making sure the area is clear for the event.

Thank you,

Lt. Frank J. Hrotko I Patrol Division

Town of New Castle Police Department
200 South Greeley Avenue
Chappaqua, NY 10514
914-238-2546
Fhrotko@mynewcastle.org
<image001.png>

From: Patrol <PATROL@mynewcastle.org>
Sent: Thursday, September 14, 2023 6:40 PM
To: Frank Hrotko <FHROTKO@mynewcastle.org>
Subject: FW: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

From: Ben Serebin <ben@reefsolutions.com>
Sent: Thursday, September 14, 2023 4:04 PM
To: Patrol <PATROL@mynewcastle.org>
Cc: Jill Shapiro <JSHAPIRO@mynewcastle.org>
Subject: FW: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello NCPD,

I emailed Jill on Tue AM requesting approval for this event (Sat 9/23 AM) since Wendy Thomas of the Chappaqua Farmers Market approved (screenshot of email conversation) Drive Electric Westchester to have a portion of the parking spaces for an Electric Vehicle Showcase

(promote EV ownership) as described below. We previously ran an event with SAB in June 2023 in the same space. I spoke with Kent Thomas as well re: this event.

Can you advise if this would be approved pending response from Jill Shapiro (cc) and emailed below?

Thank you,
-Ben Serebin
646-319-9051

<image002.jpg>

From: Ben Serebin
Sent: Tuesday, September 12, 2023 9:54 AM
To: JSHAPIRO@mynewcastle.org
Subject: Chappaqua Farmers Market Approved - Request to NC for Electric Vehicle Showcase on Sat 9/23 in Parking Lot

Hi Jill,

We spoke back in October 2022 when the Chappaqua Farmers Market (CFM) & Drive Electric Westchester had planned and then sadly we had to cancel due to weather the Drive Electric event. CFM approved last night an Electric Vehicle Showcase for Sat 9/23 (details below) and told me to request approval from you and NCPD. The plan is to run the same size Electric Vehicle Showcase on Sat 9/23. If necessary, we could cut down the size of the parking, but it would be safer to close off the entire section (labeled EV Show in yellow) similar to how I organized with SAB for the June 2023 Electric Vehicle event as per the "2023 Market Layout Contract...PDF". I eagerly await your decision and any questions.

When

Sat 9/23, 8am – 1pm

What is required

Posted No Parking Signs Day Before event
Closed off parking in EV Show section with parking barricades to keep vehicles out during the time.

Any questions, I'm available via email or phone.

Thank you,
-Ben Serebin
646-319-9051

From: Ben Serebin
Sent: Tuesday, September 5, 2023 6:43 PM
To: Wendy Rubin (wendylew22@gmail.com)
<wendylew22@gmail.com>
Subject: Electric Vehicle Showcase Chappaqua Farmers Market on Sat 9/23 in Parking Lot

Hi Wendy,

I'd like to revisit running the Electric Vehicle event we had originally planned last year but it was cancelled due to weather twice (Sept & Oct 2023). I co-organized a very popular/successful Electric Vehicle showcase event with Chappaqua New Castle SAB in June 2023 in the parking lot of the Chappaqua Train Station as noted in the attached PDF. I would like to run an EV event in the same closed off parking area (Kent of SAB's PDF of the Market Layout is attached) on Sat Sept 23, 2023 (this is during the Global Drive Electric Week) which is a week before the Book Festival and 2 weeks after the Community Day. I included a screenshot of the New Castle Calendar below as well.

I'm hoping to run an Electric Vehicle Showcase event on Sat Sept 23, 2023 from 8am – 1:30pm.

Recap of Previous Email I've Sent

Purpose of this email is in the past I've run (City Captain) for this showcase event for Drive Electric Week (Plug In America, Sierra Club, etc) event promoting EV ownership event.

<https://driveelectricweek.org/>

Overall Plan:

1. I select about 6-10 EVs (varied ones maybe 2 Tesla 3/Y since they're very popular) to come and allow people to sit/look at their EVs and have a table handing out EV information. My kids like to do this too you'll see in the pics.
2. We get a lot of interest and walking around the EVs, so I'm a bit nervous of people walking around cars in a busy parking lot. I'd like to cone off an area of 5-8 EVs

with about 4-5' around them.

3. I would have 1 EV parked per about 1.5 spots wide.
So, 2 EVs per 3 spots so people can easily walk around the EVs with the doors open.
4. Looking to do this on Saturday Sept 23 from 8am – 1:30pm. I would have the drivers show up around 7:30-8am.
5. We only give away information. No money nor is anything sold.
6. If approved, I would promote the event and organize all the drivers/etc. More people would attend the farmers market due to this event.
7. Same Parking Area would be closed off that we did with SAB

Any questions or thoughts, let me know.

If I should reach out to someone else, let me know who.

Thank you,
-Ben Serebin
646-319-9051

<image003.jpg>

<Chappaqua Farmers Market Parking Smaller Sized
Alternative for Drive Electric Week Showcase.png>

<Chappaqua EV Show Overhead 2.jpg>

<2023 Market Layout Contract Exhibit A v2 for EV Show.pdf>

Robert Braumuller
(914) 287-6185
RBraumuller@bpslaw.com

September 22, 2023

Hon. Lisa Katz, Supervisor, and
Members of the New Castle Town Board
Town of New Castle
200 S. Greeley Avenue
Chappaqua, NY 10514

Dear Supervisor Katz and Councilmembers:

This letter will confirm the scope and terms of our engagement and inform you of our fees and billing practices to represent the Town of New Castle (the “Town”). We will charge the Town a fixed monthly retainer of \$16,950 for general municipal services and attendance at meetings. Our blended billing rate is \$265 per hour for special projects, labor matters and litigation. This engagement will have an initial term of four (4) months, beginning October 1, 2023 and ending on January 31, 2024. The agreement may be renewed upon mutual written agreement by the parties for an additional term of one (1) year.

For general municipal services, we will represent the Town on legal issues as they arise. The retainer for these services will be paid in equal monthly installments. We will submit a bill after each month for our services. Among other things, the retainer will cover attendance at Town board meetings, work sessions, town hall hours, consultation, advice, opinions on questions presented by town officials, and the preparation of routine legislation and resolutions.

For special projects, labor matters and litigation, we will charge a fixed, blended hourly rate of \$265.00 per hour for all attorneys who perform this work. Our firm will submit an invoice for work done each preceding month. Our charges under this paragraph will be separate from the retainer amount for all formal litigation or arbitration that has commenced. In contrast, general advice on possible litigation prior to commencement of a proceeding or receipt of such notice will fall under the general municipal retainer. Special projects consist of non-routine Town projects and activities, such as special district formation and extension, land acquisition and disposition, complex contract work, preparation of complex legislation, major rezoning or comprehensive plan revisions, etc. Advice to officials, standard vendor contract preparation and review, and drafting of routine legislation would be general retainer work.

I have attached our “Terms and Conditions for Engagements,” which describes our billing procedures and various other matters pertaining to our engagement. Please review the Terms and

329031

Conditions carefully. Our rates may be increased periodically upon our mutual agreement. The terms and conditions of this engagement letter will apply to any additional legal services that we may agree to provide that are outside the initial scope of the above-described representation.

You agree to promptly deposit with us an advance in the amount of \$1,000.00 toward our fees and disbursements in connection with our engagement. No part of this advance shall represent security for payment of our fees or disbursements. Accordingly, the advance will be deposited in our general funds, and we will charge our fees and disbursements against the advance and credit them on our billing statements. We may apply the advance to fees and disbursements as incurred without any further authorization. If the total of our fees and disbursements amounts to less than the advance, we will refund the difference to you at the conclusion of our services.

When signed by both of us, this letter and the Terms and Conditions for Engagements constitute a binding agreement and may be amended only in writing. To indicate your agreement to these terms of engagement, please sign and return the enclosed copy of this letter for our records. Send it to my attention by email (RBraumuller@bpslaw.com) and mail to Bleakley Platt & Schmidt, LLP, One North Lexington Avenue, White Plains, NY 10601.

We appreciate the confidence which you have placed in us and look forward to working with you.

Sincerely,
Bleakley Platt & Schmidt, LLP



Robert Braumuller, Esq.
Co-Managing Partner

cc: Robert Deary, Town Comptroller

Enclosure

Accepted and Agreed:
TOWN OF NEW CASTLE

Name: Hon. Lisa Katz, Supervisor

Date: September __, 2023

BLEAKLEY PLATT & SCHMIDT, LLP
TERMS AND CONDITIONS FOR ENGAGEMENTS

Fees. Bleakley Platt & Schmidt, LLP (the "Firm") generally calculates fees based upon the hourly rates of the attorneys, legal assistants and other timekeepers who perform services for the client (the "Client"). The Firm's billing rates are adjusted upward periodically but not more often than annually. Any such hourly rate and adjustment will be reflected in the billing statements presented to the Client. Billing rates for attorneys in the Firm currently range from \$100.00 to \$875.00 per hour. A complete timekeeper billing rate schedule is available upon request. For most matters, it is difficult to predict the amount of time which will be required, particularly where legal research, litigation or negotiations are involved. Therefore, estimates of fees or costs are not guarantees or caps on the amount actually incurred. In order for the Firm to properly represent the Client, the Client should provide to the Firm accurate and complete information concerning the matters involved in the representation. Time for which charges apply includes, but is not limited to, telephone calls, correspondence, meetings, legal analysis and research, factual investigation, review and drafting of documents, communications with courts and court appearances, conferences, travel, responding to client's requests to provide information to auditors and other activities necessary and appropriate in furtherance of our engagement.

Advance fee deposits paid before or during our engagement will be placed in Firm operating accounts and will be withdrawn to pay monthly invoices. Such deposits will be non-interest bearing, unless otherwise agreed to in writing.

Charges and Billing Procedures. The Firm typically renders monthly statements. Each statement will include the fees for services rendered and the disbursements for services provided, which may include postage, telephone, photocopying, facsimile charges, messenger and delivery, computer research, travel, court costs and filing fees. The fees and expenses of others (such as experts, investigators, witnesses, consultants, and court reporters) and other large disbursements will not be paid by the Firm and will be the responsibility of, and billed directly to, the Client. The amounts shown on these statements are payable upon receipt of the statements.

The Firm's charges may include hourly discovery services attorney's fees and litigation support services in connection with satisfying your electronic discovery obligations. Among other things, The Firm's discovery services attorneys work to devise a sound document preservation strategy, coordinate with you and/or your IT personnel in executing that strategy, and implement technologies and workflows designed to reduce the costs traditionally associated with e-discovery. Likewise, our litigation support technologists perform services relating to the processing, hosting, searching, organization, and production of electronically stored information. Certain services, such as document review, may be provided using third-party contract attorneys or paralegals, as the matter may require. You understand and agree that such fees and charges are not incidental overhead but are central to ensuring that your discovery obligations are discharged in an efficient and defensible manner.

Should you wish to engage a third-party vendor of your choosing for some or all e- discovery services, we shall discuss and agree upon the relative allocation of responsibility for monitoring and supervision of that vendor. You understand that in order to comply with applicable rules and ethical obligations, the Firm must act transparently in discharging your document preservation and collection obligations, including the identification of all potential sources of relevant electronically stored information on your systems.

The Firm's charges may also include volume-based (e.g., per-gigabyte or per-document) e-discovery charges relating to the collection, processing, filtering, hosting, review, and production of electronically stored information. These services may be provided using a combination of internal and third-party/hosted technologies, as the matter may require. The Firm's charges may also include per-user license fees where access to the e-discovery platform is provided to non-Firm employees, including contract attorneys, consultants, experts, and designated employees. You understand and agree that such charges are not incidental overhead but are central to ensuring that your discovery obligations are discharged in an efficient and defensible manner. At your request, the Firm will furnish detailed billing information regarding anticipated or actual disbursements and other charges. In some cases, third-party charges incurred on your behalf shall be payable directly by you to the third-party service provider.

Representation of Other Companies, Institutions and Governmental Entities. Subject to the New York Rules of Professional Conduct and other rules applicable to the Firm regarding conflicts of interest, the Client is aware that the Firm is a law firm that represents many clients in different industries or sectors, including corporations, partnerships and other business organizations, banks, insurance companies, venture capitalists, and other financial institutions, technology companies and governmental entities, and that the Firm may currently represent or will in the future represent other clients in the Client's industry or sector (including competitors of Client) or with which the Client has commercial or other relationships.

Fee Disputes. In accordance with Title 22 of the New York Code of Rules and Regulations, Part 137 ("Rules of the Chief Administrator of the Courts"), the Firm participates in the Fee Dispute Resolution Program. In the event of a dispute between the Firm and the Client involving attorneys' fees between \$1,000 and \$50,000, the Client may have the right to seek arbitration. In such event, or upon the Client's request, the Firm will provide the Client with the necessary information regarding fee dispute arbitration.

File Retention. The Firm generally keeps each Client's legal files for at least seven (7) years after the file is closed, after which time the files may be destroyed. If the Client wishes the Firm to keep the files for a longer period, the Client should advise the Firm in writing as promptly as practicable.

Termination. The Client and the Firm are free to terminate the relationship at any time, upon written notice, subject to any applicable rules of professional conduct. Termination shall not affect Client's liability for unpaid bills. The Client's failure to pay bills may result in immediate suspension of services being rendered.

Miscellaneous. This document, and the related engagement letter to which it is attached, constitute the entire understanding and agreement of the parties respecting its subject matter, and supersede any prior or contemporaneous representations, warranties, agreements, or understandings respecting its subject matter, whether oral or written.