

TOWN OF MOUNT PLEASANT
COUNTY OF WESTCHESTER: STATE OF NEW YORK

In the Matter of the Petition of

FARERI ASSOCIATES, LP/NORTH 80 LLC and 81
HOLLY HILL LANE, LLC

Petitioners,

For Amendments to the Town of Mount Pleasant Zoning
Code to add the OB-5 Master Plan (MP) district to the
current list of zoning districts, to add definitions to the
Zoning Code and to Amend the Official Zoning Map

**PETITION FOR
AMENDMENTS TO TOWN
OF MOUNT PLEASANT
ZONING CODE and
ZONING MAP
AMENDMENT**

TO THE SUPERVISOR AND MEMBERS OF THE TOWN BOARD OF THE TOWN OF
MOUNT PLEASANT:

PETITIONER, FARERI ASSOCIATES, LP/NORTH 80 LLC and 81 HOLLY HILL
LANE, LLC (“Petitioner”), with its principal place of business at 2 Dearfield Drive, Suite 3,
Greenwich, Connecticut 06831 hereby petitions the Town Board of the Town of Mount Pleasant
(the “Town”) for amendments to the Town Code as follows:

EXISTING STRUCTURES AND USES ON THE PROPERTY

1. Petitioner Fareri Associates, LP¹ currently has a 99-year lease with the County of
Westchester (the “Lease”) to develop approximately 3 million square feet of bio-tech/research and
related uses including medical offices, a children’s living science education center, neighborhood
retail and a hotel as part of an overall master development plan – the Master Plan. The Lease
involves approximately 60 acres of land on the County’s Grasslands Reservation and is currently
zoned as OB-6 Office Building, Distribution, Limited Fabrication District and is largely
undeveloped land. There is a portion of the 60 acres that is being used as a construction staging
area.

2. In addition, Petitioner 81 Holly Hill Lane, LLC owns the abutting 20 acres of land
that will be included in the Master Plan and is currently zoned as R-20. Together, both the leased
60 acres and the abutting 20 acres will be developed into the project commonly referred to as The
North 60. Currently, the 20 acres is occupied by 5 homes, some asphalt driveways, an inground
pool, a small nursery and other accessory structures typical of single-family homes.

¹ It is anticipated that Fareri Associates, LP will be assigning the Lease to North 80 LLC in the
near future in accordance with the terms of the lease.

3. The North 60 Project site is bounded by Old Saw Mill River Road and West Stevens Avenue, the Sprain Brook Parkway, Hospital Road and Nilsson Drive in Mount Pleasant.

**PROPOSED OB-5 MASTER PLAN (MP) DISTRICT and AMENDMENTS TO
DEFINITIONS**

4. Currently, the Town of Mount Pleasant Zoning Code does not have a single zoning district that regulates the types of uses proposed for The North 60. As such, the proposed OB-5 Master Plan (“MP”) District adds another subsection to the existing OB-5 zoning district to allow for uses focused on bio-technology and medical purposes, neighborhood retail and other customary uses, a children’s science museum, restaurants, educational facilities, a hotel, and residential uses, among others. In addition, Petitioners are proposing to add a few definitions to the existing zoning code (together, the OB-5 MP District and the amendments to the Definitions are referred to as the “Zoning Text Amendments”)

5. The purpose of the OB-5 MP District is to allow one set of zoning regulations to govern the entire North 60 Project and to guide the review and approval of the Master Development Plan.

6. If the OB-5 MP District is approved, then some of the uses contemplated in the OB-5 MP regulations should be added to Town Code § 213-3 “Definitions” to include uses that are not defined elsewhere in the Town Code. A copy of both proposed text amendments is attached hereto and made part hereof as Exhibit A.

7. The Zoning Text Amendments would not have any adverse impact on the existing Zoning Code for several reasons. First, the proposed OB-5 MP District is consistent with the purpose and intent of the existing OB-6 and other OB zoning districts and adds uses focused on biotechnology and research facilities.

8. Second, the OB-5 MP District can only apply to parcels that are “at least 60 acres and bordering a state or county highway” and, therefore, such district has limited applicability.

9. Third, the Zoning Text Amendments will allow for a more appropriate long term planning process for a large parcel of property. By requiring a detailed review and approval process of an integrated master plan for the entire site in the beginning, the OB-5 MP amendments provide the Town with the appropriate use, area, and bulk design controls for a large long-term project.

10. In addition, if the OB-5 MP District is approved, Petitioners respectfully request that the Official Zoning Map of the Town be amended to reflect the new zoning designation for both the County owned 60-acre property and the 20-acres currently owned by 81 Holly Hill Lane, LLC.

11. For all of the foregoing reasons, it is respectfully submitted that the proposed Zoning Text Amendments and Zoning Map amendment should be granted.

WHEREFORE, Petitioner respectfully requests that the Town Board amend the Town Zoning Code in accordance with the proposed Zoning Text Amendments annexed hereto as Exhibit A.

Dated: Mount Pleasant, New York
February 15, 2019

Respectfully submitted,



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EXHIBIT A

TOWN OF MOUNT PLEASANT

LOCAL LAW NO. 2019

A local law to add a new section to Chapter 218 “Zoning”, Article IV “Special District Regulations” § 218-72.1 OB 5 Master Plan (MP) District to read as follows:

Be it enacted by the Town Board of the Town of Mount Pleasant as follows:

Section 1: Chapter 218-72.1 OB-5 Master Plan (MP) District [Added 9-23-1969; amended 11-24-1970; amended __-__-2019]

Except as provided in Subsection (F) below, any use permitted and as regulated in the residence district or districts which abut the Office Building District shall be permitted, such regulations to extend into the Office Building District to a depth of 250 feet, the interior remaining area to be classified and subject to the regulations and conditions of the residence district which predominates in the case of properties zoned in the OB5 Office Building District, except that, in the case of properties zoned in OB5 Office Building Districts, in all cases where the R-40 One-Family Residential District provisions and the Schedule of Regulations shall apply, the minimum area in square feet for all parcels used for residential purposes shall be 40,000 square feet. Where more than one district would apply under this provision, the regulations and permitted uses of the more restricted district shall apply. For the purposes of this subsection, property across a public street from an Office Building District shall be considered as butting the perimeter of the district. [Added 4-10-1979]

F. OB-5 – Master Plan (MP)

The purpose of the OB-5 MP zone is to allow for the flexibility to provide a vibrant, connected environment that encourages smart growth, healthy communities, innovation, while supporting and promoting diverse job creation in emerging fields including but not limited to bio-tech, medical research, education, robotics and supporting ancillary services and uses. This zone allows for the incorporation of technology labs, medical offices, educational facilities and activities, indoor and outdoor arts and cultural spaces for education at all levels, retail, restaurants, among other uses, to create a walkable mixed-used community.

(1) In addition to the uses listed in Subsections A, C, D and E above, an applicant can submit a bio-tech mixed use development that is part of an integrated master plan approved by the Planning Board on a site consisting of one or more contiguous lots having a minimum combined lot area of at least 60 acres and bordering a state or county highway. Such integrated master plan includes, in addition to the permitted uses, laboratories, as permitted in Subsection E above, medical office buildings, restaurants, and

retail uses in combination with uses permitted in the Schedule of Regulations set forth for this District. In addition, uses which are complementary to and supportive of one or more principal OB-5 District uses, and which includes planned public and private open space, walkways and bike trails promoting mobility and healthy communities, and public transportation to regional mass transit hubs are permitted in the OB-5 MP District. All development shall be undertaken in conformity with an approved site-specific master plan. See the Schedule of Regulations, Nonresidence Districts for OB-5 “MP”, included in the Schedule of Regulations at the end of this chapter. The MP Schedule of Regulations designates a series of zoning standards for the building forms within a proposed master plan. In case of any conflict between the OB-5 “MP” Schedule of Regulations and any other provision of the Town Code, the provisions in this Section shall control.

(2) The parking requirements for any bio-tech mixed use development master plan shall be the same as set forth for the OB-4 District. An applicant may also submit a Parking Management Plan in conjunction with its master plan for approval by the Planning Board.

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.

TOWN OF MOUNT PLEASANT
LOCAL LAW NO. 2019

A local law to amend Chapter 218 "Zoning", § 218-3 "Definitions" to add the following definitions:

Be it enacted by the Town Board of the Town of Mount Pleasant as follows:

Section 1: Chapter 218-3. Definitions.

HEIGHT OF BUILDING - The vertical distance to the level of the structural roof deck if the roof is flat or inclines not more than one inch vertical in one foot horizontal or to the mean level between the eaves and the highest point of the roof of any operation type; bulkheads for mechanical equipment, elevators and stairs shall be excluded from the height of building, measured as follows:

A.

If the building adjoins the front property line or is not more than 10 feet distant therefrom, measured at the center of the front wall of the building from the established grade of the curb or, if no grade has been officially established, from the elevation of the existing curb or, if no grade has been officially established and no curb exists, measured from the average level of the finished ground surface across the front of the building.

B.

If the building is more than 10 feet from the front property line, measured from the average level of the finished grade adjacent to the exterior walls of the building. Where the finished ground surface is made by filling, the level of such finished grade, for the purpose of this definition, shall not be deemed to be more than three feet above the established grade of the curb.

HOTEL – A facility containing rooms or suites consisting of connected rooms, with or without cooking facilities, offering transient lodging accommodations to the general public wherein all rooms are connected to interior hallways, and thereby to interior elevators, lobbies or stairways, through which access to the exterior is gained. Hotels may include, but are not be limited to, related services such as restaurants, meeting rooms, recreational facilities, or educational uses.

INDEPENDENT SENIOR HOUSING - A building, or portion thereof, on one or more contiguous lots containing dwelling units for adults age 55 or older but not explicitly age-restricted. Each dwelling unit shall be a studio, one bedroom or two bedroom unit. The studio shall be at least 420 square feet, one bedroom shall be at least 600 square feet and two bedrooms shall be at least 800 square feet.

LOW IMPACT HOUSING – A building, or portion thereof, with each unit consisting of at least two bedrooms but no more than four bedrooms with a kitchen and private bathroom for biotechnical employees, nurses, medical residency students or other members of educational faculty or hospital staff.

SEASONAL OUTDOOR CUSTOMER SEATING – the Planning Board may annually permit seasonal outdoor customer seating and tables on a property and, to a limited degree, extensions onto abutting Town property subject to the following conditions:

- (a) Outdoor customer seating shall be permitted year-round.
- (b) The Planning Board shall limit the area of outdoor customer seating such that it will not interfere in any way with fire exits or other requirements of the Building Code of New York State.
- (c) The Planning Board shall limit the area to be devoted to outdoor customer seating so that it will not interfere with access by the handicapped and shall maintain on any Town sidewalk a safe, adequate and unobstructed passageway for pedestrians not less than five feet in clear width from the edge of the outdoor seating area to the nearest obstruction.
- (d) The outdoor area to be devoted to seasonal outdoor customer seating shall not be considered for the purpose of determining on-site parking requirements.

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This law shall be effective immediately upon the filing with the Secretary of State.