

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA")  
FINDINGS OF THE TOWN BOARD OF THE TOWN OF NORTH CASTLE RESPECTING: (1) IMPROVEMENTS  
TO THE BRYNWOOD GOLF & COUNTRY CLUB, INCLUDING THE PROPOSED GOLF COURSE COMMUNITY  
TO BE KNOWN AS "THE RESIDENCES AT BRYNWOOD"; AND (2) ASSOCIATED AMENDMENTS TO THE  
TOWN OF NORTH CASTLE ZONING ORDINANCE AND COMPREHENSIVE PLAN**

**Name of Action:** Brynwood Golf & Country Club

**Lead Agency:** North Castle Town Board

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**I. PROJECT DESCRIPTION**

**A. LOCATION**

The subject site (the “Site” or “Project Site”) is located at 568 Bedford Road (NYS Route 22/Bedford Road) in the Town of North Castle, New York. The Site fronts on the west side of Bedford Road and consists of approximately 156 acres, and is located in the R-2A One-Family Residence Zoning District.

**B. DESCRIPTION OF THE ACTION**

Brynwood Partners, LLC (the “Applicant”) proposes to develop a residential community geared to an active adult lifestyle, in which all homeowners of market-rate residences will be required to be members of Brynwood Golf & Country Club (the “Club”).

In response to various comments made on the DEIS including those related to the proposed physical layout of the Project and the Project’s fiscal impacts, the Applicant has in the FEIS proposed two alternative scenarios for modifications to the Project (both scenarios collectively being referred to as the “Modified Project”). The alternative scenarios have since been modified by the Applicant to reduce the proposed density of development of the residential component of the project.

In either scenario, the Proposed Action, or “Modified Project,” consists of revised, proposed amendments to the Town Zoning Ordinance, and amendments to the Town Comprehensive Plan Update and the Revised Town Development Plan Map, and includes: (1) construction of a new exit on Bedford Road and private roads for site access and circulation; (2) material upgrades and renovations to the Club core, including the clubhouse, tennis courts and other Club facilities; (3) extension of Town Water District No. 2 to encompass the Project Site, and improvements by the Applicant to District facilities, at Applicant’s expense, including the drilling of a new, fifth supply well at the District’s existing well field (located on Long Pond Road); and (4) material improvements and renovations to the Club golf course.

***Modified Project***

After the FEIS was filed, the Applicant offered two alternative development scenarios for the Modified Project. In the first alternative development scenario (“Alternative 1”), the Applicant will construct a residential community (the “residences,” or “golf course community”) on the Site with 56 market rate fee-simple attached residences, 10 fee-simple detached Golf Cottages, and 7 “Affordable Affirmatively Furthering Fair Housing” (“AFFH”) fee-simple, or rental units.

In the second alternative development scenario (“Alternative 2”), the Applicant will: (1) construct a total of 73 market rate residences (63 fee-simple attached residences and 10

fee-simple detached Golf Cottages) on the Site; and (2) either construct 7 AFFH rental and/or for-sale units off-site, or acquire existing (or approved but not yet constructed) off-site residential units and make them AFFH units subject to regulation under Section 213-22.I of the Town Code, at one or more locations identified by the Applicant, and approved by the Town Board.

The Applicant does not yet know whether it will pursue Alternative 1 or Alternative 2, however, a determination will be made as part of its application for site plan approval of the Project. In either alternative development scenario, there would be a total of 73 units on site.

The new residences (to be known as “The Residences at Brynwood”) will be located on an approximately 14.7 acre portion of the ±156 acre Site, leaving the remainder as open space, the golf course and ancillary facilities. Most of the proposed residences will be contained in a residential neighborhood to be located in the northeast corner of the Site, on the “North Parcel”.

The residences will be accessed solely from Bedford Road (NYS Route 22) at the common entrance with the Club. A new exit from the Club parking area, limited to right-turns onto Bedford Road, is proposed.

The residences will be designed and age-targeted for active adults, and are set back 100 feet from property lines, significantly increasing the buffer area along Bedford Road as compared to the layout in the DEIS. The residences are generally sited within currently developed areas and are designed to conform into the natural slope of the Site toward the west. To mitigate potential visual impacts from Route 22, the seven formerly proposed “Club Villa” buildings closest to Route 22 have been eliminated and replaced with five smaller, reduced height Golf Cottages. Each of the residences would be served by two parking spaces, enclosed in either common or private garages. Additional guest parking spaces would be located off internal private driveways. In all cases, parking will be designed to minimize visual impact. The 7 AFFH units would be served by a common garage under the building with one parking space plus ½ space per bedroom.

The clubhouse will be fully renovated, including a new façade, a reconfigured service entry and a new pool/recreation area. The existing tennis courts will be relocated near the clubhouse and reduced in number from 14 to six. A new tennis viewing pavilion will also be constructed. Club parking will continue to be in the existing parking lot located to the south of the existing clubhouse. The golf course will also be fully renovated and improved. The golf course plan includes addition of a comfort station and a halfway house. Both the lodging suites and employee units (whether located in the clubhouse or in the building on the “South Parcel”) would continue to be limited to temporary occupancy and could be comprised of no more than 20 units.

The proposed golf course renovations include adding and rebuilding tees to improve playability and drainage, constructing seven new green surfaces and green complexes, installing and rebuilding greenside and fairway bunkers, enhancing retention ponds and relocating three golf holes to improve the golf course experience and minor grading on select fairways.

A new Integrated Turfgrass and Pest Management Plan (ITPMP) has been developed for the Modified Project to improve environmental management practices, with the goal of qualifying the Club as a Certified Audubon International Cooperative Sanctuary.

A new, upgraded wastewater treatment plant will be constructed to replace the existing plant and accommodate new demand from the golf course community, and the Club maintenance building will be relocated to the vicinity of the treatment plant.

**C. PUBLIC PURPOSE, NEED AND BENEFITS**

The primary purposes of the Proposed Action are to maintain the existing golf course as open space, improve the existing Club facilities including the golf course, and meet demand for a luxury, adult oriented residential community with country/golf club amenities and recreational resources. The Applicant believes the proposed Club renovations, in combination with the proposed residential golf course community, taken together, will provide the financial means for the golf course to be maintained as open space, and for the Club to be a year-round facility.

The Site has been continuously used and operated as a golf and country club since 1964. In the almost 50 years since, the economics of golf and country clubs has changed significantly, primarily due to the ever-increasing costs of operating a labor-intensive enterprise that in the northeastern United States can only be fully operated for half the year. These economic changes have made the traditional private “not-for-profit” membership model increasingly difficult to sustain, as demonstrated by the recent failures of other golf clubs in the region.

The Applicant has proposed changes to the permitted business model for membership club ownership and operation that would facilitate the significant capital investment that is necessary to sustain a club in difficult economic environments, which cannot be attracted by the traditional not-for-profit model. Permitting the alternative business model will not negatively impact the Town, because the operation of a membership club will remain subject to control through the special permit, regardless of the form of club ownership and management.

The proposed golf course community will provide desirable housing of a type not currently available in the Town of North Castle. The proposed new golf course community will benefit

the Town by expanding housing opportunities for adult residents; and by providing a significant new source of tax revenue to the Town and the Byram Hills Central School District that will exceed the costs of services provided by these taxing jurisdictions to the residences. The architecture of the residences will be consistent with local architectural traditions, and will embrace “green” design concepts. The development of the golf course community will help ensure the future financial viability of the Club, with the result that one of the Town’s significant recreational open spaces will be maintained.

Community benefits of the proposed Modified Project to the Town of North Castle will include:

- Increased real estate tax assessables
- Revenue from building permit fees
- Maintenance of open space
- Low cost of services relative to tax revenues (due to low generation of school-age children, private roadways and drainage that will not require Town maintenance)
- Construction of AFFH units that can meet the requirements of the Settlement Order entered into between the U.S. Department of Housing and Urban Development and the County, as well as compliance with Town Code
- Increase in local employment during construction and in the long term
- Preservation of existing Club jobs, including seasonal jobs for local teenagers
- Increased business to local merchants both during construction and from permanent residents

**D. REQUIRED APPROVALS**

The required project approvals are listed in the table below.

<b>Modified Project Approvals</b>	
<b>Agency</b>	<b>Type of Approval/Review</b>
North Castle Town Board (Lead Agency)	<ul style="list-style-type: none"><li>- Amendments to Town Zoning Ordinance regulations to establish and map a new overlay zoning district in the R-2A District, to permit proposed “golf course community” residential use</li><li>- Amendments to the Town Zoning Ordinance special permit regulations for “membership clubs”</li><li>- Amended special permit approval of the Club</li><li>- Amendment to Town Comprehensive Plan Update and Revised Town Development Plan Map to facilitate residential use</li><li>- Town Water District No. 2 extension</li><li>- Consent to formation of sewer works corporation to serve the Club and golf course community</li></ul>
North Castle Planning Board	<ul style="list-style-type: none"><li>- Site Plan approval</li><li>- Subdivision approval</li></ul>

	<ul style="list-style-type: none"><li>- Tree Removal Permit</li><li>- Wetland Permit</li><li>- Steep Slope Permit</li></ul>
Westchester County Department of Health (WCDOH)	<ul style="list-style-type: none"><li>- Realty Subdivision (Article X of Sanitary Code)</li><li>- Water extension permit (Article VII of Sanitary Code)</li><li>- Wastewater treatment plant expansion permit (Article XXII of Sanitary Code) and air emission permit</li><li>- Approval of sewage works corporation plans</li><li>- Approval of public water and/or sewer mains (Articles VII and XXII of Sanitary Code)</li><li>- Approval of any proposed petroleum bulk storage tanks (Article XXV of Sanitary Code)</li></ul>
New York State Department of Environmental Conservation (NYSDEC)	<ul style="list-style-type: none"><li>- SPDES permit for modification to wastewater treatment plant</li><li>- Storm Water Pollution Prevention Plan approval</li><li>- Storm Water SPDES permit</li><li>- Public water supply approval (if on-site supply is developed)</li><li>- Protection of Waters permit for pond dredging (if proposed)</li></ul>
New York State Department of Transportation (NYSDOT)	<ul style="list-style-type: none"><li>- Highway Work Permit (NYS Route 22)</li></ul>

## **II. PROJECT DESCRIPTION**

### **A. SEQRA REVIEW**

The Applicant, Brynwood Partners, LLC, acquired the Site (formerly known as the “Canyon Club”), in December, 2009. The Canyon Club Site was first approved for use as a membership based golf and country club pursuant to a special permit granted by the Zoning Board of Appeals (ZBA) of the Town of North Castle in 1961. The Site has been continuously used and operated as a golf and country club since 1964 (the Club was initially known as the Bel-Aire Country Club). The special permit for operation of the golf and country club has been amended, extended and re-issued numerous times by the Town Zoning Board of Appeals (“ZBA”), and then under successor zoning codes, by the Town Board, most recently in April, 2000, to permit a professional tennis tournament. The specific conditions governing the use of the property and operation of the Club that were imposed by the ZBA and Town Board were last materially amended in June, 1978, to permit the Club to *“conduct outside affairs such as dinners, dances, weddings, [and] catering to persons who are not primarily members of the club.”*

The chronology of the SEQRA review for the Modified Project is summarized below:

December 2009: Brynwood Partners, LLC acquired the Site, and made cosmetic renovations to existing club facilities and retained Troon Golf as the operator/manager for the Brynwood club and golf course.



April 2010: After renovations were completed, the facility reopened as Brynwood Golf & Country Club.

June 2011: The Applicant submitted a zoning petition to the Town Board requesting amendments to the Town Zoning Ordinance to permit a golf course community with 243 residential units, but subsequently withdrew that application (August 2011).

August 2012: After consideration of public comments and redesign of the residences, the Applicant submitted an amended zoning petition and Environmental Assessment Form (EAF) to the Town Board, for amendments to the Town Zoning Ordinance to permit a golf course community with 98 residential units.

September 25, 2012: The Applicant submitted a further amended petition, seeking amendments to the Zoning Ordinance to permit the development with a reduction in unit count to 88 residential units.

November 8, 2012: The Town Board declared Intent to be Lead Agency, issued a positive declaration for the Proposed Action and set a date for a DEIS scoping session.

November 26, 2012: Public scoping session was held.

December 2012: Additional meetings were held to discuss the draft scope.

December 31, 2012: Final close of written comment period on scope of DEIS.

January 23, 2013: Town Board adopted the scope of the DEIS.

March – June 2013: The DEIS was first submitted to the Town Board on March 22, 2013, revised by the Applicant and resubmitted on June 4, 2013. The DEIS was accepted as complete by the Town Board on June 11, 2013, and public hearing dates were set.

June – July 2013: Public hearings on the DEIS were held on June 27, 2013 and July 10, 2013, with a written comment period held open until August 20, 2013.

October and November 2013: The FEIS was submitted to the Town Board on October 18, 2013 and additional appendices were submitted on November 25, 2013. The Town's review of the FEIS was subsequently suspended, at the Applicant's request in December 2013.

October 31, 2014: a revised draft FEIS was submitted to the Town Board. This document was reviewed, comments received and revisions made to the FEIS.

March 31, 2015: Revisions to the FEIS were submitted to the Town Board.

April 22, 2015: Town Board accepted the FEIS as complete, and it was subsequently circulated to the interested and involved agencies.

May 27, 2015 and June 3, 2015: Public hearings on the proposed zoning amendments and amendment to the Town Comprehensive Plan Update (and Revised Town Development Plan Map) were held.

1. Draft Environmental Impact Statement ("DEIS")

The DEIS for the Proposed Action was accepted as complete by the Town Board on June 11, 2013, and a combined Notice of Completion of Draft EIS and Notice of Hearing was filed and distributed, all in accordance with the requirements of 6 N.Y.C.R.R. Part 617 ("SEQRA Regulations"). Copies of the DEIS were also filed and distributed in accordance with the requirements of the SEQRA Regulations. Hard copies of the DEIS were provided for review at the North Castle Town Hall, Clove Road Town Library and Town Library on Whippoorwill Road, and the DEIS was posted on a publicly available web site. On June 12, 2013, the combined Notice of Completion/Notice of Hearing was submitted to the *Environmental Notice Bulletin* and subsequently published. The Town Board held duly noticed Public Hearings on the DEIS and the Proposed Action on June 27, 2013, and July 10, 2013 and accepted written comments on the DEIS up to and including August 20, 2013.

2. Final Environmental Impact Statement ("FEIS")

The public comments on the DEIS raised various important issues concerning, for example, affordable housing, water supply, visual buffers and fiscal impacts. All relevant comments made during the June 27, 2013 and July 10, 2013 DEIS public hearings and submitted in correspondence received by the end of the comment period were included in the FEIS.

The FEIS for the Proposed Action was accepted as complete by the Town Board on April 22, 2015. A combined Notice of Completion of Final EIS and Notice of Hearing was filed and distributed, all in accordance with the requirements of the SEQRA Regulations. Copies of the FEIS were also filed and distributed in accordance with the requirements of the SEQRA Regulations. Hard copies of the FEIS were provided for review at the North Castle Town Hall, Clove Road Town Library and Town Library on Whippoorwill Road, and the FEIS was posted on a publicly available web site. On April 23, 2015 the combined Notice of Completion/Notice of Hearing was submitted to the *Environmental Notice Bulletin* and subsequently published.

**B. Plan/Layout:**

The physical layout of the Modified Project is essentially the same in both alternative development scenarios. In both scenarios, the Modified Project has one less building, and has a different layout with a larger perimeter buffer than the plan presented in the DEIS. The layout of the golf course, clubhouse, tennis courts, parking lot, maintenance facilities and outlying structures would be the same as the DEIS plan. Compared to the DEIS plan, the key layout changes in the Modified Project are:

- a 100-foot buffer that extends along the entire Site perimeter that reduces visual, land use, and natural resource impacts;
- elimination of the seven “Club Villa” buildings closest to Bedford Road, and replacement by five smaller, reduced height “Golf Cottages”, which reduces potential visual impact; and
- A road layout which reduces the amount of private road by approximately 492 linear feet (lf) while satisfying emergency access requirements.

**C. Zoning:**

The Site is located in the R-2A One-Family Residence District of North Castle. “Membership clubs” (which include golf and country clubs and similar recreation facilities) are permitted in the R-2A District upon the issuance by the Town Board of a special permit under Section 213-33.I of the Zoning Ordinance. However, the density of residential development proposed by the Applicant is not permitted in the R-2A District.

To permit the proposed residences to be developed, the Applicant is requesting that the Zoning Ordinance be amended to: (i) add a new use known as “golf course community” to Section 213-3 of the Zoning Ordinance; and (ii) instead of creating a new special permit use in the R-2A District, create a new “Golf Course Community Floating Overlay District” (that can be mapped only in in the R-2A District) that would permit the proposed golf course community residential use on the portion of the Site that is outside the 100-foot perimeter buffer proposed as part of the Modified Project.

In the Applicant’s opinion, the existing, traditional special permit regulations for “membership clubs” are not sufficiently flexible to permit the business model necessary to support the Modified Project. Therefore, to permit this business model, the Applicant proposes that the definition of “membership club” and the special permit regulations governing membership clubs be amended.

The Golf Course Community Floating Overlay District (“GCCFO District”) regulations are designed to restrict the development of golf course communities by requiring the community to be affiliated with a currently existing membership club which has an 18-hole golf course

and adjoins the site of the community, which must in turn have frontage on, and be directly accessed from, a State highway.

The proposed GCCFO District regulations:

- Require all homeowners to be members of the affiliated club.
- Acknowledge that the golf course of the affiliated membership club functions as the open space for the golf course community, and that preservation of that open space is a basis for the permitted density of a golf course community.
- Expressly provide that as a condition of site plan approval of a golf course community, the affiliated membership club shall as a condition of receiving the first building permit for a residence record in the Westchester County Clerk's office a permanent conservation easement pursuant to which the membership club agrees that the property on which the golf course is located shall be used solely as a golf course or as open space. (The recorded conservation easement will run with the land, and bind all successor owners of the conservation easement area).
- Establish special bulk, dimensional and parking requirements for a golf course community including a maximum permitted density of one "density unit" per 133,000 square feet of the aggregate total lot area in the GCCFO District and 1 dwelling unit per 1.8 acres of the aggregate total lot area in the GCCFO District.

D. Water Supply:

The DEIS described and evaluated the construction by the Applicant of a new, private on-site water supply. The Applicant has since agreed (as part of the FEIS) to petition for extension of Town Water District No. 2 to encompass the Site; however, if the petition is denied, the Applicant would move forward with the private on-site water supply system outlined in the DEIS. The Applicant has further agreed that if Water District No. 2 is extended to encompass the Site, the Applicant will at its expense make improvements to the facilities of the District, including the drilling of one or two new supply well at the District's existing well field (located on Long Pond Road) to serve all properties in the District. The exact fee to join the District would be determined at the time the Applicant petitions for inclusion in Water District No. 2. In addition, the Town Board will ascertain the views of existing residents in Water District No. 2 prior to making a decision on this matter.

E. Fiscal/Socioeconomic Impacts:

The Applicant has agreed that all market rate residences (66, in Alternative 1, and 73, in Alternative 2) will be fee-simple homes. The Town Board acknowledges that the Applicant's objective is for the golf course community, in which some fee-simple lots will consist of "air space," to be a duly formed homeowners' association under applicable State law and regulation, or its equivalent.

### **III. DETERMINATIONS AND FINDINGS**

The Town Board notes that the original project studied in the DEIS, and the two alternative development scenarios discussed in the FEIS, all would have resulted in greater residential density than the Modified Project currently proposed by the Applicant, making all impact analyses in the DEIS and FEIS conservative, except that the surplus of real property tax revenue (as described below) in excess of municipal and school district service costs would have been somewhat greater as a result of the additional residential units.

#### **A. LAND USE, ZONING AND PLANNING CONSISTENCY**

The EIS considered potential impacts with respect to land use, zoning, and public policy. The Town Board considered comments received on the DEIS regarding land use, zoning, and public policy, and further considered them in the FEIS.

##### **1. Land Use**

The existing land uses on the Site are the golf course with clubhouse and related infrastructure, driving range, tennis courts, swimming pools, and parking facilities. Single-family residential and open space uses are the most abundant land uses within the surrounding area, including a single-family residential community (Windmill Farms) on the opposite side of Bedford Road. Immediately adjacent to the Site to the southeast is the Coman Hills Elementary School, a public use.

The Proposed Action would alter the existing country club land use on the Site through the addition of a golf course community on the Site. Although the land use on the Site would change, the significant existing uses on the Site, the golf course and country club, would be maintained and improved, so the Site would retain most of its open space character. The Applicant commits to a perpetual conservation easement in favor of the Town that will permanently limit the future use of the golf course to either a golf course or as private open space. A 100 foot-wide buffer would be maintained and landscaped along Bedford Road and the closest residences along Bedford Road would be detached single family homes similar in scale and character to the surrounding residential neighborhoods.

It is not anticipated that the addition of residential uses would negatively impact the existing golf course, club house, and other recreation facilities.

The addition of a residential golf course community on the Site would nominally impact the surrounding area by introducing a higher density residential use to a low density (1 to 2 acre minimum lot sizes) residential area. The proposed residential units would yield a density of approximately 1 dwelling unit for each 1.8 acres within the GCCFO District. The residential parcel would be further subdivided into 73 fee-simple lots, and one or more lots for common homeowners' association property, or its equivalent.

## **2. Zoning**

The Site is zoned R-2A One-Family Residence District. The surrounding area is all zoned residential. The minimum lot size in the R-2A District is 2 acres.

“Membership clubs” (which include golf and country clubs and similar recreation facilities) are permitted in the R-2A District upon the issuance by the Town Board of a special permit under Section 213-33.I of the Zoning Ordinance. In the Applicant’s opinion, these existing, traditional special permit regulations are not sufficiently flexible to permit the business model necessary to support the Modified Project. To permit this business model, the Applicant proposes that the definition of “membership club” and the special permit regulations governing membership clubs be amended. The proposed amendments would update membership club regulations so that the uses that have historically, and openly, occurred are acknowledged and expressly permitted. The Town Zoning Ordinance currently does not contain any express limitations on the uses permitted at a membership club.

The Proposed Action also includes the creation of the new GCCFO District (in the underlying R-2A District) that would permit the proposed residential use (as well as the uses currently permitted in the R-2A District, including membership clubs under special permit), and the mapping of the new district on the portion of the Site that is outside the 100-foot buffer along the perimeter of the Site. The new district would be capable of being mapped only on a site having an aggregate minimum area of 150 acres and at least 1,000 feet of frontage on, and direct access from, a State highway, and on which an 18-hole golf course exists on the date of the Town Board’s adoption of the amendments to the Zoning Ordinance creating the overlay district. Given this, it is not anticipated that the overlay district could be mapped elsewhere in the Town.

The proposed GCCFO District regulations would require the recordation of the conservation easement in favor of the Town before a residential building permit could be issued. The conservation easement would permanently limit the future use of the golf course to either a golf course or as private open space regardless of whether the affiliated residential community continues to exist.

## **3. Public Policy**

The Revised Town Development Plan Map currently designates the Site as “Private Recreation,” and would therefore need to be amended to reflect the new “golf course community” use.

The Town Comprehensive Plan Update specifically identifies the Canyon Club (now Brynwood Golf & Country Club) as an important private recreation facility and states the need to preserve the facility as a private open space resource. The Proposed Action would enhance

and maintain the existing golf course. A perpetual conservation easement in favor of the Town will permanently limit the future use of the golf course to either a golf course or as private open space. The Comprehensive Plan Update proposes zoning private golf courses in the low density R-2 District as a means to preserve private open space. The Proposed Action would achieve the goal of preserving the golf course as open space and would therefore be compatible with the Town of North Castle Open Space Index and Open Space Committee Report and the Westchester County Plan, Pattern for Westchester and Westchester 2025.

The Town Board finds that the perpetual conservation easement would support the conservation of open space in the Town. To further ensure that the golf course of the Brynwood Golf & Country Club remains open space in perpetuity, it is the objective of the Town Board to have a second grantee in addition to the Town on the proposed conservation easement. This would provide greater assurances that the terms of the conservation easement would not change under future Town Boards. For the reasons described above, the Town Board finds that the Modified Project is not anticipated to have any significant adverse impacts to land use, zoning or public policy.

**B. AFFORDABLE HOUSING**

The EIS considered potential impacts with respect to affordable housing in the Town of North Castle and in Westchester County.

The Proposed Action includes a commitment to the development of AFFH units equal in number to 10% of the market-rate housing units proposed at the Site. The AFFH units would meet the requirements of the settlement between Westchester County and the U.S. Department of Housing and Urban Development and comply with Town Code.

In May 2014 the Town of North Castle adopted a local law establishing regulations for AFFH Units. These regulations require all new residential developments of 10 or more units to provide at least 10% of the total number of units as affordable AFFH units. The proposed AFFH units associated with the Modified Project will comply with the new Town regulations, which in turn require compliance with applicable Westchester County guidelines, protocols, and requirements.

This AFFH commitment would be met by providing affordable housing either on-site (Alternative 1) or off-site (Alternative 2). The units would be marketed broadly and in accordance with the Westchester County Fair and Affordable Housing Affirmative Marketing Plan. There would be no local preferences. The units would remain AFFH housing for a period of 50 years from the date of the initial certificate of occupancy for the Project. If built on the Site: (i) the exterior design of the building in which the units are located will not distinguish the units from the market rate residences, and (ii) the units will be distributed among unit types (by bedrooms) in the same proportion as the market rate residences.

The Town Board recognizes concerns expressed by the Westchester County Planning Board by letter dated May 20, 2015, with respect to the integration of the AFFH units on-site under Alternative 1. Given that the Modified Project will create a new golf course community in which residents of the market-rate units are required to join the golf course/country club and pay all associated fees, full integration of the AFFH units into the golf course community may prove infeasible and a waiver for extenuating circumstances may be needed from Westchester County for acceptance of the on-site AFFH units. If Alternative 1 is ultimately selected the Applicant, the Applicant and Town would work with the County to ensure that the AFFH units satisfy all Westchester County requirements.

The establishment of off-site AFFH units, either through construction by the Applicant or acquisition by the Applicant of units constructed by others, is subject to review under SEQRA, although it is noted that residential units constructed by others will already have been reviewed under SEQRA in connection with the development approvals for those units. Since the Applicant does not yet know whether it will pursue Alternative 1 or Alternative 2, a determination must be made as part of its application for site plan approval of the Modified Project.

For these reasons, the Town Board finds that the Modified Project is not anticipated to have any significant adverse impacts to affordable housing.

**C. VISUAL RESOURCES AND COMMUNITY CHARACTER**

The EIS considered potential impacts to visual resources and community character and the Town Board carefully considered all comments received on the DEIS and responded to in the FEIS.

***Views***

In response to comments on the DEIS, specifically relating to views from Route 22/Bedford Road, the northern property line, and of the Clubhouse and parking area, the Modified Project includes a landscaped 100-foot buffer along the perimeter of the Site. Portions of the golf course, landscaping, a portion of the existing clubhouse parking lot, the paved entrance to the Site, the proposed gatehouse, and a limited amount of roadway would be located within the buffer, but no buildings or other structures would be permitted to be constructed in the buffer. The buffer along Bedford Road would contain stone walls, additional landscaping and existing healthy mature trees. The Conceptual Landscape Plan for the Modified Project includes new evergreen trees and shrubs along the property line adjacent to Coman Hill Elementary School and along Bedford Road to screen year-round views of the parking lot. The Applicant would install all of the Bedford Road frontage landscape buffer, as well as the buffer along the southern property line adjacent to Coman Hill Elementary School,



as part of the first phase of construction. The Bedford Road frontage landscape buffer would be required to be constructed as part of the first phase of construction.

In addition, in response to comments made on the DEIS, the Modified Project also includes five Golf Cottages closest to Bedford Road rather than the seven larger “Club Villa” buildings proposed in the DEIS. The Golf Cottages are single family structures which would be architecturally compatible with the surrounding residential neighborhood at Windmill Farms. The proposed structures are smaller in floor area and 6 feet lower in height than the “Club Villa” buildings shown in the DEIS.

Further, the design of the Modified Project would incorporate the essential qualities of area building traditions and maintain the visual character of Bedford Road. The area immediately adjacent to Bedford Road and existing landscape buffers around the club parking lot would be supplemented with new plantings including a mix of evergreens and stone walls and hedges to reinforce the character of the area and provide a visual buffer. Topography and vegetation significantly limit views deep into the Site and from the north, west, and south, including views of the golf maintenance facility and water storage tank. Landscaping would be installed to buffer neighboring single-family residences north of the Site and internal landscaping would be provided to screen the golf maintenance facility and water storage tank from within the Site.

For these reasons, the Town Board finds that the buffer, coupled with the smaller structures along the Bedford Road frontage and the Site’s topography would reduce visual impacts and be more compatible with surrounding residential uses.

### ***Site Lighting***

The Town Board also considered visual impacts associated with proposed nighttime lighting of the Site in the EIS. A concept exterior site lighting plan (“Preliminary Lighting Plan”), using current industry standard lamp ratings in accordance with Illumination Engineering Society of North America (IESNA) standards, was prepared for the Project. The Preliminary Lighting Plan design provides placement, screening and shielding of pole mounted light fixtures to contain significant illumination to within the development area. As indicated on the Preliminary Lighting Plan, there will be no light ‘spillage’ beyond the property line along the residential areas to the north. Lighting levels along the Route 22 right-of-way to the east will not exceed 0.5 foot candles at the property line, with the exception of the site driveway intersection. In addition, in response to concerns regarding proposed nighttime lighting of the tennis courts, the FEIS provided a comparison of the preliminary lighting plan without the tennis court lighting to the Preliminary Lighting Plan, which depicts the anticipated lighting levels if the proposed tennis courts were to be illuminated. This comparison demonstrated that the effect of the tennis court lighting diminishes to zero within 175 feet east of the tennis courts toward Bedford Road/Route 22, well before Bedford Road and existing residences.

For these reasons, the Town Board finds that the Modified Project will not result in any significant adverse impacts associated with lighting.

**D. HISTORIC, ARCHEOLOGICAL AND CULTURAL RESOURCES**

Potential impacts on historic, archeological and cultural resources have been carefully considered. The potential impacts on these resources were demonstrated through site surveys, a Phase IA Archeological and Historic Resources Investigation, Phase 1B testing, a Phase II archaeological investigation, and coordination with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP).

A Phase IA Archaeological and Historic Resources Investigation of the Site was completed in 2013 and was included in the DEIS (see DEIS Chapter III.D and Appendix G). The Phase IA study recommended Phase IB testing in two areas of the Site. The Phase IB testing was completed in April 2013. The results of the Phase IB testing program in the area identified in the Phase IA study as having historic period archaeological sensitivity revealed several archaeological features, notably a stone foundation and a buried drainage pipe, as well as some historic period artifacts. Therefore, the Phase IB recommended that a Phase II archaeological evaluation be conducted in this location.

The Phase II evaluation was undertaken in April and May 2013, and completed in June 2013. The conclusion of the evaluation was that land manipulation during the early 20<sup>th</sup> century completely compromised the integrity of the site. The artifacts recovered were not considered significant, and the area was not considered eligible for inclusion on the National Register. No further investigation was recommended. The Phase IB and Phase II evaluation were included in the FEIS (see FEIS Chapter I and Appendix E).

OPRHP reviewed all investigations and issued a letter dated August 2, 2013, confirming that “No Historic Properties [would be] Affected [as per 36CFR §800.4(d)(1)] as a result of the proposed undertaking.” This letter was provided in the FEIS.

The Town Board finds that the Modified Project will not result in significant adverse impacts to historic and archaeological resources and in making this finding considered the Phase 1A, Phase IB, Phase II evaluation, and OPRHP correspondence.

Additionally, there are approximately 4,020 linear feet of existing stone walls throughout the Site. None of the stone walls are listed on the State or National Registers of Historic Places. Many of these stone walls represent former property lines or farming plots, while others may have been built as retaining walls in sloping sections of the property. Some of the stone walls clearly are more modern in origin, such as some of the ones lining the cart paths that likely were installed during construction of the golf course. However, the large majority of the

stone walls appear to pre-date the golf course use of the property, which began in the 1920s. Although the walls at one time may have been of greater individual extent, at the present time the Site's remaining walls are fragmented. The dispersed nature of the walls throughout the property makes it difficult to avoid individual wall fragments with the design. As a result of the Modified Project, it is estimated that approximately 1,900 linear feet of existing stone walls will be affected. Some of the existing walls to be removed are modern, having been installed in conjunction with the existing uses on the property. Many of these walls will be repaired or reconstructed.

All stone walls on the Site will be preserved to the extent possible. While it is likely that approximately one half of the existing stonewalls may need to be removed or rebuilt to accommodate proposed development, whenever possible, these walls will be incorporated into the new design, and/or be stabilized if they are deteriorating, such as the stone walls located along the east side of the Site along the Bedford Road shoulder. The Old Post Road historic milestone marker located just north of the entrance to the Site on the west shoulder of Bedford Road will be preserved. A construction management plan to protect this marker will be implemented prior to the initiation of site activities to protect against accidental damage during construction.

The Town Board finds that preservation of the stone walls, to the extent practicable and feasible (as outlined above), and implementation of a construction management plan to protect the Old Post Road historic milestone marker will ensure that no impacts to historic resources occur as a result of the Modified Project.

E. VEGETATION AND WILDLIFE

The EIS considered potential impacts with respect to vegetation and wildlife at the Site. The Town Board considered comments received on the DEIS regarding vegetation and wildlife, and further considered them in the FEIS.

***Vegetation***

The Site has been historically used for both agriculture and most recently (since the 1930s) for recreational use as a golf course. The entire land area was cleared for agriculture around the time of the initial settlement of the region. There are no old-growth, native forests on or adjacent to this Site.

The Site consists of two general vegetation cover types: 1) the cultural areas associated with the clubhouse, tennis courts, maintenance facility, and 2) golf course fairways, tees and greens and the second-growth hardwoods associated with areas that were not cleared initially (primarily the steeper areas). Wetland communities are interspersed within the upland vegetation. The largest of these wetlands is the pond system on the golf course.

No federal, State, endangered, threatened or species of special concern plant or animal occur on the Site.

With the proposed Modified Project, 72 percent of the forested areas of the Site will remain undisturbed. Therefore, the vast majority of the trees on the Site, including significant trees, will be preserved. A tree survey was conducted in the anticipated areas of disturbance, indicating a total of 1,524 trees with a Diameter Breast Height (DBH) between 8 inches and 24 inches. Of those, it is estimated that approximately 879 trees will be removed in connection with the Modified Project. In addition, 241 significant trees (24" DBH or greater) were identified within the area proposed to be disturbed. Of these, 128 trees are anticipated to be removed (for a total of 1,007 trees on-site), although 68 of these are considered hazardous due to storm damage and condition. Tree removal permits will be obtained from the Town as required as part of final approvals.

Approximately 6.6 acres of new impervious areas will be added to the Site. The remainder of the Site (96 percent) will either remain as existing vegetation or be re-vegetated. The Modified Project has been designed to re-use existing developed areas, already cleared areas, or early successional second growth forest areas wherever practicable. The proposed clubhouse, pool and parking lot coincide closely with the existing facilities. The proposed residential community will be built on the location of the existing tennis courts, tennis pavilion, and maintenance facility and an existing fairway.

"Clearing Limit Lines" are indicated on the plans to delineate site disturbance areas. Prior to disturbance all Clearing Limit Lines will be marked in the field and physically delineated by a construction fence. Compliance will be checked by a qualified inspector for the Applicant and by the Town.

A final landscape plan will be developed during site plan process. While it will not be possible to replace in number all of those trees removed during construction, trees and shrubs will be replaced to enhance the golfing experience, provide soil stabilization and enhance wildlife habitat by providing food and cover. Significant trees to be removed will be clearly marked and significant trees in construction areas will be protected with trunk armoring and a perimeter fence which will be maintained throughout the duration of construction.

The Applicant has committed to removing non-native invasive plants on the Site in certain identified locations and replacing them with non-invasive, native trees, shrubs and herbaceous plant material. A detailed plan will be submitted as part of site plan approval.

The Applicant proposes evergreen and deciduous trees along the northern and eastern boundaries of the Site, and will be required to maintain this buffer. The Modified Project includes a 100-foot buffer (no structures) along the perimeter of the Site which would further reduce visual impacts on adjoining residential uses.

***Wildlife***

The golf course currently functions as a wildlife corridor connecting the properties to the south with those in the north. It would continue to provide those functions post-construction.

Wildlife utilizing this area is of the generalist type typically associated with urbanized environments. There will be a short term, temporary impacts to wildlife associated with the development of the Site as the new residential area is cleared and prepared for construction. The increased noise and activity of people and vehicles will temporarily discourage the use of this area by wildlife during construction.

Post-construction, the same assemblage of urban generalist wildlife is expected to repopulate the areas. The relative amount of each population will remain approximately the same although there may be a small increase in numbers as some of the non-native plant species will be replaced with native plant material offering food and cover.

In association with the proposed pond dredging, it is proposed to create wetland areas populated with native wetland species that will improve surface water quality, provide habitat for fish, amphibians, birds and reptiles and add an aesthetic component to the now sterile pond environment. The potential impacts of the pond dredging operations could include some limited mortality to non-mobile species (fish).

No endangered, threatened or species of special concern occur on or adjacent to the Site and therefore no impacts to endangered, threatened or species of special concern are expected from the Modified Project.

The primary wildlife mitigation for the Modified Project is the clustering of the residential development in an area already highly altered and urbanized. By clustering the development in an already disturbed area, potential impacts are eliminated and the majority of natural vegetation on the Site can be preserved, continuing its use as a wildlife corridor.

Existing maintained lawn area will be reduced and replaced with native low-maintenance fescues. Vegetated buffers are proposed adjacent to wetlands where they will not affect play. No mow/naturalized areas will be identified on the plans submitted for site plan approval. Fertilizer, pesticide and herbicide use will be reduced by the implementation of a site-specific Integrated Turfgrass and Pest Management Plan (ITPMP). Chemical use will also be reduced by the introduction of disease resistant turf grass varieties. All of these measures will increase ecosystem health and reduce potential impacts to wildlife from cultural management practices.

Wildlife habitat will be further enhanced by implementation of the landscape plan, which will be provided to address re-vegetation of all disturbed areas. Native plant material will be used where possible and where appropriate. Use of native plant material is in part to encourage

wildlife usage and in part to discourage predation by deer. Only native and indigenous plants would be used within wetlands or within the 100-foot regulated adjacent area.

As a condition of site plan approval, the Applicant would be required to maintain and, if necessary, replace, in like kind and size all plants installed to screen views, landscape the residences and clubhouse, and all mitigation plantings. The Applicant would be permitted to retain flexibility regarding the golf course landscape, including near greens and tee boxes, so that playability and visual interest could be maintained over time. However, in no instance shall non-native invasive plants be installed or cause to be introduced anywhere on the project grounds and further, no non-native plants shall be permitted within 100 feet of any regulated wetland or watercourse on the property.

The 2007 *North Castle Biodiversity Plan* is specifically identified as a source of information consulted in connection with the biodiversity analyses in the DEIS. This Plan recommends that when considering development proposals, the Town look for opportunities to obtain conservation easements like the easement proposed by the Applicant covering the golf course. The Plan also recommends that large lot zoning be avoided. Under the Applicant's proposal, residential units would be clustered on approximately 14.7 acres of the 156.3 acre Site.

For the reasons described above, the Town Board finds that the Modified Project is not anticipated to have any significant adverse impacts to vegetation or wildlife.

F. GEOLOGY AND SOILS

The Town Board carefully considered impacts related to geology and soils, including grading, cut and fill, erosion control, and blasting.

***Grading, Limits of Disturbance, and Erosion Control***

The proposed development will involve the re-grading (altering) of the Site topography within the 73.9 acre limit of disturbance area of the 156.3 acre Site. A preliminary grading plan was included in the EIS. The grading design is generally confined to the less steep portions of the property, and consists of grading for the reconstruction of the existing golf course and for the proposed homes and other hardscape improvements.

The Modified Project development plan would be constructed in three phases in three years to minimize overall site disturbance. A total of 40.5 acres of disturbance are associated with Phase 1; 30.4 acres of disturbance in Phase 2; and 3.0 acres of disturbance in Phase 3. To minimize the disturbance at any one time, it is anticipated that demolition of existing improvements on the Site would occur within each construction phase as needed to permit construction to occur. In addition, landscaping would be put in place following the

completion of each phase. See Section R, Construction (below), for additional construction details.

In addition, an Erosion and Sediment Control Management Plan will be established for the proposed development, beginning at the start of construction and continuing throughout its course, as outlined in the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005. The Plan will be part of the Stormwater Pollution Prevention Plan (SWPPP) prepared for the entire Site in accordance with the requirements of the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges Associated with Construction Activity (Permit No. GP-0-15-002) and Chapter 173 "Stormwater Management" of the Town Zoning Code. As part of the Plan, the owner or operator shall have a qualified professional conduct an assessment of the Site prior to the commencement of construction and certify that the appropriate erosion and sediment controls have been adequately installed in accordance with the Plan, to ensure overall preparedness of the Site for the commencement of construction. In addition, the owner or operator shall have a qualified professional conduct one site inspection at least every seven calendar days and at least two site inspections every seven calendar days when greater than five acres of soil is disturbed at any one time (except as may be permitted by NYSDEC).

The Town Board finds that subject to review and approval of the Erosion and Sediment Control Management Plan and adherence to the construction phasing set forth above and in Section R of this Findings Statement, the Modified Project will not result in any unmitigated significant adverse impacts related to site grading.

***Cut and Fill Analysis and Impacts***

The overall cut and fill associated with the re-grading of the Site to accommodate the proposed improvements represents a balance, meaning that no excess excavation will leave the Site and no additional fill will be brought onto the Site. In other words, all movement of material necessitated by the proposed earthwork will be confined to the Site. Therefore, there are no trucking impacts associated with the earthwork because there is no import or export of soil.

Earthwork excavation will total approximately 147,000 cubic yards of material, including excavation required for building foundations. Approximately 129,000 cubic yards of material will be used as fill within the golf course and residential area, and approximately 18,000 cubic yards of material will be used for miscellaneous fill and improvements to the practice range.

The preliminary subsurface soil and foundation investigation, recommended that the boulders and excavated rock sourcing from excavation of the gneiss bedrock be processed by an on-site crusher to provide suitable fill material for the building and pavement areas.

Rock crushing would be utilized on the Site to process excavated rock into an aggregate used for construction of the Modified Project. A permit to "Construct and Operate Portable Rock Crushing and Power Screening Equipment" would be required from the Westchester County Department of Health (WCDOH). The permit would require the Applicant to submit an operating schedule, the type of particulate emission control, and a site plan depicting the rock crusher location at a minimum of 100 feet from offsite receptors such as sidewalks, buildings, and surrounding properties. Specifications or engineering data is required for a wet suppression system that meets opacity limitations for fugitive particulate emissions. There are two main sources of dust at a rock crushing site. Wet suppression can reduce emissions by 70 to 95 percent. To further mitigate adverse impacts, rock and other material stockpiles will be tarped and properly maintained in a wet condition. Another method to reduce airborne dust is to keep the crushers as full as possible, by allowing less room for air.

Any rock crushing activity would occur during the hours of 7:30 am to 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on Saturdays, as per Section 137-19 of the Town Code. Additionally as per Section 137-19 of the Town Code, during the hours of 8:00 a.m. to 6:00 p.m. or sundown, whichever is later, noise levels from the construction site as a whole will not exceed 70 dB(A)s when measured at a distance of 400 feet from the construction site; during the hours of 6:00 p.m. or sundown, whichever is later, to 8:00 a.m., noise levels will not exceed 55 dB(A)s. It is possible that during site plan review, the Planning Board may amend the hours of construction as set forth in Section 137-9 of the Town Code to make them more restrictive.

The Town Board finds that subject to review and approval of a rock crushing permit from WCDOH and adherence to all associated requirements and restrictions of the County and the Town, the Modified Project will not result in any significant adverse impacts related to onsite rock crushing.

### ***Potential Blasting***

Blasting is not anticipated, and other methods of rock removal will be employed first. The method of rock removal anticipated on the Project Site is the use of a large piece of construction equipment and/or with a hydraulic hammer that can "chip" and break the rock apart, without the use of blasting. Construction, any rock chipping and ripping activity would occur during the hours of 7:30 am to 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on Saturdays, as per Section 137-19 of the Town Code. Additionally as per Section 137-19 of the Town Code, during the hours of 8:00 a.m. to 6:00 p.m. or sundown, whichever is later, noise levels from the construction site as a whole will not exceed 70 dB(A)s when measured at a distance of 400 feet from the construction site; during the hours of 6:00 p.m. or sundown, whichever is later, to 8:00 a.m., noise levels will not exceed 55 dB(A)s. If blasting is necessary, blasting operations would be limited to between 8:00 am and 5:00 pm Monday through Saturday and would be prohibited at any time on Sunday or holidays, except in the case of emergency or necessity, and then only with permission of the Building Inspector per



Section 71-11 of the Town Code. However, it is possible that during site plan review, the Planning Board may amend the hours of construction and/or blasting as set forth in Sections 137-9 and 71-11 of the Town Code to make them more restrictive.

Other impacts of rock ripping and chipping are ground vibrations in the immediate vicinity of the ripping and chipping machinery, and potential fly-off rock fragments again in the immediate vicinity of the ripping and chipping operation. While there is little that can be done to mitigate ground vibrations, there are a variety of steps that can be taken to mitigate the impacts of fly-off rock fragments. In the first instance, the impacts of fly-off rock fragments are mitigated by providing the operator of the machinery working within an enclosed cab and/or wearing protective eye gear, by limiting the area of the ripping and chipping operation with signage and fencing to the machine operator, and by installing such controls as protective screening such that any potential fly-off rock fragments remain on-site. Other impacts, such as airborne dust created by the ripping and chipping operations, will be mitigated by wetting of the material being ripped.

However, if blasting is determined to be necessary, then (i) the blasting operation will be monitored by a seismologist using a seismograph, (ii) the "Peak Particle Velocity" emanating from any blast will be restricted to 2.0 in/sec, and (iii) each blast will be monitored to ensure that this criterion is not exceeded. Further, if blasting is determined to be necessary, the Applicant would be required to comply with the provisions of Chapter 71 "Blasting and Explosives" of the Town of North Castle Code and would be required to comply with all rules and regulations of this Chapter. If a blasting permit is required an application would be made to the Building Inspector.

The U.S. Bureau of Mines [Nicholas et al (1971)] has established a vibrational threshold of 2.0 in/sec. This threshold has been used successfully in the industry. Each blast would be monitored independently to ensure that this threshold is not exceeded. The monitoring results would be provided to the blasting contractor as soon as possible so that the blasting program can be modified if necessary.

A minimum of four monitoring points would be established, to the north, east, south and west of the planned blast area. The seismograph sensors would be placed near the closest structure and at any structures identified during the pre-blast survey that are considered to be susceptible to vibration damage.

Prior to the start of any construction, a Blasting Management Plan would be prepared in accordance with the requirements of Town Code Chapter 71, applicable State regulations and the Explosive Materials Code, NFPA No. 495, National Fire Prevention Association. Additionally, all blasting would adhere to the provisions of 29 CFR Ch. XVII Section 1910.109 for explosives and blasting agents.

Not more than 30 days or less than 72 hours prior to the intended blasting, a notice would be sent to the owner or owners of any parcel of property immediately adjoining or abutting the Site, and all residential and commercial property owners within a 500 foot radius of the blast area.

In the event that personal delivery of the notice of intent to blast cannot be effected, the notice of intent to blast is to be left or posted at the structure or dwelling in a conspicuous place or a certified letter, return receipt requested, will be sent to the affected structure or dwelling. The certified letter will be mailed to the property owner. The addresses of property owners will be obtained from the Tax Assessor's office. The notice of intent to blast is also to be delivered to the Town Clerk, North Castle Police Department, Town Building Inspector and, if appropriate, the North Castle Water and Sewer Department no less than 72 hours prior to blasting. A contact person will be established and named in this notice to respond to all concerns raised by nearby residents during the blasting phase of the project. The contact person is to respond to any inquiries within 24 hours.

For the Modified Project, prior to any blasting work being done, a licensed professional engineer will to be retained to perform a detailed pre-blast survey of existing structures located within 500 feet of the planned blast area. The pre-blast survey is to be conducted in accordance with the requirements of the Town of North Castle. A copy of all reports prepared by the licensed engineer will be submitted to the Town Engineer and the Owner's representative in a timely manner.

The Town Board finds, that if deemed necessary and subject to review and approval of a blasting permit from the Town Building Inspector and adherence to all associated requirements and restrictions of Town Code Chapter 71 that the Modified Project will not result in any adverse impacts related to blasting.

**G. TOPOGRAPHY AND STEEP SLOPES**

Potential impact on topography and steep slopes has been considered. The Town's Zoning Ordinance defines a "steep slope" as "a natural geographical area, whether on one or more lots, which has a ratio of vertical distance to horizontal distance of 25% or greater over a horizontal area measuring at least 25 feet in all directions." A total of 2.75 acres of Town-regulated steep slopes are proposed to be disturbed on the 156.3 acre Site. There are a total of approximately 11.44 acres of steep slopes on the property. Therefore, although approximately 49 percent of the property is proposed to be disturbed, only approximately 24 percent of the steep slopes on the Site are proposed to be disturbed. Environmental impacts associated with the proposed slope disturbance will be mitigated by design and engineering techniques including such methods as retaining walls to help limit the extent of grading impacts; benching of existing slopes where fill is to be placed; revegetation of slopes; reverse slope benches; slope stabilization using materials such as sod, gravel, riprap, or other

stabilization method, slope roughening to facilitate revegetation. A steep slopes permit from the Planning Board, regulated by Section 213-17 of the Town Code, will be required in connection with site plan approval.

An Erosion and Sediment Control Plan will be established for the proposed development, which will be implemented beginning at the start of construction and continuing throughout its course, as outlined in the "New York State Standards and Specifications for Erosion and Sediment Control," dated August 2005. The proposed Sediment and Erosion Control Plan will provide mitigation for the proposed disturbance to steep slopes. The Plan is part of the Stormwater Pollution Prevention Plan (SWPPP) that will be prepared for the entire Site in accordance with the requirements of the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges Associated with Construction Activity (Permit No. GP-0-15-002) and Chapter 173 "Stormwater Management" of the Town of North Castle Zoning Code.

In addition, retaining walls are proposed in selected portions of the redevelopment of the Site in order to limit the extent of grading that would otherwise be necessary. The function of a retaining wall in the grading design of a project is to provide support the soil by resisting the tendency of soil to slump when there is a desired change in ground elevation that exceeds the natural angle of repose of the soil (where the soil would start to slump because the angle is too steep for the soil to support itself). This means that if no retaining wall were proposed, the area of ground disturbance would need to be increased to provide a shallower angle of repose of the soil (larger area that would need to be graded) to enable the proposed grading (the height of the proposed land surface) to meet the existing grading (the height of the existing land surface). By supporting the soil, a retaining wall limits the extent of grading that would otherwise be necessary.

Further, in order to minimize the area of disturbance at any particular point during the project construction, it is proposed that the Modified Project would be constructed in three phases in three years. It is anticipated that except as may be permitted by the NYSDEC, disturbance will be limited to 5 acres at any one time. This further breakdown of each phase into sub-phases is to be provided during site plan approval as the plans are finalized.

Based on review of the EIS, the Town Board finds, that the design of the Modified Project preserves to the extent practicable the steep slopes on the Site and that with implementation of the mitigation measures set forth in the preliminary SWPPP and Erosion and Sediment Control Plan, impacts associated with disturbance of steep slopes will be fully mitigated.

**H. WETLANDS AND SURFACE WATER RESOURCES**

The EIS considered potential impacts with respect to wetlands and surface water resources at the Site. The Town Board considered comments received on the DEIS regarding wetlands and surface water resources, and further considered them in the FEIS.

There are six wetland areas on the Site, totaling approximately 6.6 acres (4.2 percent of the 156-acres) which are regulated by the Town of North Castle and the US Army Corps of Engineers. All but one of the on-site wetlands were disturbed during construction of the original golf course. The site contains almost 26 acres of locally regulated buffer/adjacent area on Site. There are no NYSDEC regulated wetlands (or 100-foot adjacent areas) on the Site. Two wetland areas were identified immediately adjacent (off site) to the property; 1) the Sniffen Brook watercourse corridor immediately to the south and west of the Site and 2) a very small (2,000 sq. ft.) seep wetland on the northern property boundary.

The Site is located in the Byram River watershed basin. The entire Site slopes to the west and drains under Interstate 684 before connecting to the Byram River just below Byram Lake, which flows to Long Island Sound. No portion of the Site is located within or drains to a drinking water supply watershed. None of the water bodies, streams or wetlands on-site are classified by the NYSDEC.

No wetland or buffer impacts are required for construction of the proposed residential units. There are no direct impacts to wetlands or watercourses from the renovation of the golf course.

As described in the DEIS, regulated activities associated with the golf course renovation can be grouped into three general types: 1) pond dredging and enhancement, including wetland creation and restoration, 2) re-grading and realignment of existing turf areas for maintenance activities and for golf hole re-rerouting, and 3) clearing and/or grading of existing wooded areas for proposed golf hole re-alignment. As part of the golf course renovations, the Modified Project will impact approximately 4.34 acres of wetland buffers, as described in the DEIS. Most of this impact ( $\pm 3.6$  acres) is within buffers that are currently golf course turf areas. The remainder, 0.76 acre, is in a wooded area.

The wetland mitigation plan includes the dredging of two ponds and restoration/creation of 1.25 acres of wetlands. All wetlands on-site will be improved through the removal of non-native invasive plantings and the replacement with native trees, shrubs and herbaceous plant material. Vegetated buffer strips and fescue areas will be added adjacent to wetland and surface water resources where appropriate.

The stormwater facility in the southwestern corner of the Site (adjacent to Hole #7), will be relocated as requested by the Town consulting engineer. The details of this design change will be refined during the site plan approval process.

No loss of wetland due to filling, grading or drainage is proposed or anticipated for any portion of the Modified Project. Wetland Activity Permits will be sought from the Planning Board for the regulated activities in 100-foot buffer areas described in the EIS. No NYSDEC wetland permits are required, but it is anticipated that a Section 401 Water Quality Certification from NYSDEC will be necessary if pond dredging activities are performed. It is anticipated that Section 404 permits will be required from the US Army Corp of Engineers for the pond dredging and wetland creation, restoration and enhancement activities, if that is proposed.

Primary mitigation measures for impacts to wetland buffers include: installation of water quality basins; implementation of a stormwater management plan/best management practices; use of native, non-invasive plantings; implementation of a new ITPMP and reduction of overall use of fertilizers and pesticides; and sustainable design features such as low maintenance grasses, vegetative buffer strips.

Although it is not necessary for the renovation of the golf course, the proposed pond dredging and wetland creation, enhancement and restoration is a beneficial activity. These activities are being proposed for water quality enhancement, to provide additional storage for irrigation water, and as partial mitigation for proposed wetland buffer impacts. The creation, enhancement and restoration of the pond system to include the incorporation of emergent marsh communities will benefit water quality and improve wildlife habitat.

Environmental quality will be improved with the implementation of a new site-specific Integrated Turfgrass and Pest Management Plan (ITPMP) and Residential Lawn Management Plan (RLMP), including an Environmental Risk Assessment which uses a sophisticated model based on soil types to predict the outcome of fertilizers, pesticides and herbicides applied to the golf course.

The proposed golf course renovation is designed to avoid wetland impacts where practicable, reduce and minimize unavoidable impacts to the maximum extent practicable, and improve the existing environmental conditions on the golf course.

For the reasons described above, the Town Board finds that the Modified Project is not anticipated to have any significant adverse impacts to the environment from wetlands and surface water resources.

**I. STORMWATER MANAGEMENT**

The EIS considered potential impacts with respect to stormwater management at the Site. The Town Board considered comments received on the DEIS regarding stormwater management, and further considered them in the FEIS.

A final Stormwater Pollution Prevention Plan (SWPPP) for the entire Site will be prepared in accordance with the requirements of the NYSDEC SPDES General Permit for Stormwater Discharges Associated with Construction Activity (Permit No. GP-0-15-002) and Chapter 173 "Stormwater Management" of the Zoning Code. The SWPPP analyzes how stormwater runoff is treated before and after development.

The Preliminary Grading Plan for the Modified Project incorporates "Clearing Limit Lines" to delineate site disturbance areas. An Erosion and Sediment Control Management Plan will be established for the proposed development, beginning at the start of construction and continuing throughout its course, as outlined in the "NYS Standards and Specifications for Erosion and Sediment Control," dated August 2005.

A new, more comprehensive Integrated Turfgrass and Pest Management Plan (ITPMP) has been developed for the Modified Project to improve environmental management practices. The objective of the ITPMP is to maintain a healthy, pest-resistant golf course that will have little or no impact on the surrounding environment. A Surface-Water Sampling Program has been designed which includes monitoring the quality of surface water exiting the Site during construction and a few years after the completion of construction. Green infrastructure techniques and practices are proposed to meet the minimum required runoff reduction volume.

The Modified Project would have slightly less impervious surface area than the DEIS plan, including 492 less linear feet (lf) of roadway. Overall, the Modified Project has less impervious area than the DEIS plan.

The drainage on the Site under both existing and proposed conditions has been extensively analyzed in the preliminary SWPPP. Various stormwater treatment practices including infiltration would be implemented on the Site to minimize impacts on water resources. The preliminary SWPPP and Erosion and Sediment Control Plan contained in the EIS demonstrate that adequate mitigation measures would be provided to control the quality and quantity of stormwater from the Site both during and after construction. Additional stormwater controls may be deemed necessary by the Town of North Castle Planning Board during the site plan approval process.

In consultation with the Town Engineer, additional stormwater treatment practices have been added to the northwestern (Hole 15) and southwestern (Hole 7) portions of the Site.

These practices will provide for treatment of stormwater runoff from portions of the existing golf course which presently drain directly to the I-684 right-of-way. Also as requested by the Town Engineer, additional soil tests were conducted at the Site (September 2013) which confirmed that there is sufficient depth of suitable soil or other factors to support the stormwater practices.

For the reasons described above, the Town Board finds that the Modified Project is not anticipated to have any significant adverse impacts to the environment from stormwater management.

J. HYDROGEOLOGY, GROUNDWATER AND WATER SUPPLY

The Town Board considered potential impacts with respect to hydrogeology, groundwater and water supply. The Town Board considered comments received on the DEIS regarding hydrogeology, groundwater and water supply, and further considered them in the FEIS.

***Water Supply***

Water demand would decrease slightly with the Modified Project as compared to the project presented in the DEIS, based on a reduced bedroom count. The DEIS described and evaluated the construction by the Applicant of a new, private on-site water supply and the FEIS provided additional analysis. Regarding the feasibility of on-site water, the Applicant drilled five test wells near the fracture trace lineations on the southern and western Site boundaries which meet Westchester County Health Department 200-foot sanitary control requirements for public water-supply wells. In May, 2013, the wells were subjected to a 72-hour pump test performed by LBG, the Applicant's consultant, and the results were documented in LBG's reports entitled "Brynwood Golf & Country Club, Groundwater Exploration and 72-Hour Pumping Test Program, Armonk, New York," dated June 2013, and attached to the DEIS as Appendix R, and "Water-Quality Addendum, Brynwood Golf & Country Club, Groundwater Exploration and 72-Hour Pumping Test Program, Armonk, New York", dated September 2013, in Appendix F of the FEIS. The Town consulting engineer concluded that the wells "were appropriately tested," and confirmed that "the results clearly indicated that the pumping scenario is capable of providing two times the average daily demand of the proposed project with the best well out of service and while providing irrigation water." Based on the results of extensive testing, water supply could be provided by on-site wells and an on-site water system could be developed.

However, in response to comments received on the DEIS, the Applicant has agreed to petition for extension of Town Water District No. 2 to encompass the Site. In addition, the Town Board will ascertain the views of existing residents in Water District No. 2 prior to making a decision on this matter. If the petition is denied, the Applicant would move forward with the private on-site water supply system outlined in the DEIS. In order to evaluate the capabilities of Water District No. 2 the Applicant retained the services of GHD Consulting

Engineers, LLC to conduct an engineering analysis of the Water District No. 2 Windmill Farms system (FEIS Appendix V). The GHD report states “In July 2012, GHD developed and calibrated a hydraulic model for the Town of North Castle Water District No. 2 in order to examine causes of pipe failures, evaluate system capacity, and develop recommendations for system improvements. GHD recommended that approximately 8 miles of water distribution system piping [within the Water District No. 2 Service Area] should be replaced to upgrade aging mains and improve fire flow and pressure throughout the system. Design of the improved system is currently in progress”. The GHD analysis concluded that the improved Water District No. 2 system will have sufficient flow rate and storage capacities to supply domestic and fire protection services to the project without negatively impacting the improved District system. “The available fire flow at the [existing] hydrant location near [at] the Brynwood Golf Course was calculated as being capable of providing 1,500 gpm based on these demand conditions. For the improved system, the water storage tank was estimated to have the capacity to support a fire flow demand of 1,500 gpm for a 2-hour duration while a minimum of 20 psi is maintained throughout the system (based on the water pumping station maintaining an output of 395 gpm).

The Applicant has further agreed that if Water District No. 2 is extended to encompass the Site, the Applicant will, at its expense, make improvements to the facilities of the District to increase capacity and reliability, including construction of one or two supply wells depending on the yields at the district’s existing well field (located on Long Pond Road) to serve all properties in the District, and new replacement piping to serve both the Modified Project and the Coman Hill School. The new well(s) will be developed to their full potential, and the associated pump house and treatment system will be designed to accommodate that full potential of the well(s), and not limited to the 92,210 gpd that is the calculated peak water demand which is twice the anticipated average water demand of 46,105 gpd. In order to incorporate a new water-supply well into the water-supply system for Water District No. 2, a raw water transmission main would need to be extended from the new water-supply well to the existing treatment building. The DEIS contained a detailed discussion of the potential infrastructure upgrade requirements that would likely be needed to accommodate the connection of the project to Water District No. 2. The exact improvements, number of wells to be drilled and the fee to join the District would be determined by the District and the Applicant at the time the Applicant petitions for inclusion in Water District No. 2. The Applicant would also bear the cost of the necessary maps, regulatory permitting, and plans for the extension.

The existing on-site irrigation ponds and wells would continue to be used to supply water for the irrigation water demand for the golf course under either of the above water supply scenarios. Further, it is the Applicant’s intent to use the existing on-site irrigation wells and irrigation ponds to provide the irrigation water demand for all Site landscaping and lawns.



Finally, the Town Board also carefully considered comments received on the FEIS regarding potential impacts to the Mianus River watershed. In March 2013, LBG conducted an assessment of existing conditions at the Water District #2 Well Field (located in the Mianus River watershed) and reviewed the potential for development of additional sources at the well field. The report was provided to the Town as part of the DEIS. As part of the assessment, precipitation recharge to the sand and gravel aquifer from direct precipitation to the aquifer and base flow from the adjacent till upland area was calculated, along with precipitation recharge to the bedrock aquifer underlying the well field. The combined precipitation recharge to the sand and gravel aquifer was estimated to be about 659,600 gpd (gallons per day) and precipitation recharge to the bedrock aquifer at the well field was about 539,000 gpd.

Currently, the well field supplies water to the Windmill Farms development whose average daily water demand ranges from 100,321 gpd during low demand periods to 264,346 gpd during high demand periods. The groundwater used within the Windmill Farms development is discharged within the Mianus watershed through septic systems on the residential lots.

The average water demand for the Brynwood project will be approximately 46,105 gpd (32 gpm) for 73 units. If Brynwood connects to the Town Water District #2, there would be an interbasin transfer of 32 gpm or about 0.071 cfs (cubic feet per second) of water. This transfer of water for the Brynwood project is a small portion of the overall available aquifer recharge at the well field and the Town Board finds that this would not have a significant impact on flows in the Mianus watershed based on the recharge estimates above.

#### ***Water Quantity***

Measures to reduce water consumption for irrigation, residential and clubhouse components, including use of water saving fixtures, and investigation of grey water reuse for irrigation will be implemented. High-efficiency plumbing fixtures and fittings (low-flow water control devices for all fixtures) will be used for the new clubhouse and residences to help mitigate water use. In addition, as discussed in the DEIS, the proposed design of the wastewater treatment facility will allow for grey water reuse for golf course irrigation during the summer months. The Town Board would like the reuse of grey water for irrigation during the summer months to be considered by the Planning Board as part of site plan review.

#### ***Potential for Groundwater Pollution***

The Town Board also considered the potential for groundwater pollution from pesticide use. The Brynwood Golf Course is underlain by glacial till which contains finer-grained silt and clay material capable of filtering out potentially harmful pesticide constituents. Additionally, the Brynwood Golf Club has developed an extensive ITPMP to limit the amount of pesticides needed to maintain the golf course and details best management practices for use of the pesticides to reduce the potential for impacts to occur. Brynwood will also be implementing

a surface-water and groundwater sampling program to monitor for pesticide concentrations at the golf course as part of the development plan.

As a golf property, the use of fertilizers and pesticides are necessary. How they are used, where they are used, when they are used and who uses them are key priorities that are taken into consideration when pesticide applications are made. Weather records, spray application records and other documentation, as part of a strict ITPMP strategy, are used to determine the most effective and efficient times for applications of the necessary fertilizers and pesticides.

Fertilization and nutrient applications are completed based on the results of soil and tissue testing. The plants are given the nutrition they need at the appropriate times needed for optimal growth and survival. Care is taken, however, to avoid applications of excessive or unnecessary nutrients, and nutrients in unstable, leachable forms. All fertilizers are applied as needed on a foliar basis for rapid plant uptake or applied in a stabilized, non-leaching formulation. To reduce the need for chemical application, effort is also made to utilize the existing nutrients that are present in the soil through maintaining proper nutritional and pH balance in existing soils.

The application of chemical pesticides is a necessary practice. Strict ITPMP strategies are in place utilizing weather patterns, threshold levels, past spray records, proper maintenance and irrigation practices to ensure that pesticide use is kept to a minimum. All pesticides applied are labeled for use in New York State and Westchester County, and all applications are made at or below label rates. All product label and New York State regulations are followed from application to re-entry times. All regulated active ingredients are accurately tracked and documented. Pesticides used on the golf course generally carry a designation of very small to medium leaching potential and strict buffer zones are observed around water features and streams to reduce risk of groundwater contamination through runoff or leaching. An ITPMP is currently being implemented to minimize environmental impacts to ecological features, but a new, more comprehensive ITPMP will be implemented after renovations.

Other long term operation measures will be implemented, including: a) pesticides will be stored in the chemical storage building, and fertilizers, which are temporarily stored only for use in a current season, will be stored in a covered storage area; b) the new maintenance area will include many upgrades to protect from potential impacts; and c) water and soil monitoring will be performed. Soil testing will be performed twice a year through an outside laboratory and a contamination audit of surface flow and irrigation water is performed monthly. Stormwater runoff will be tested three times per year for possible contaminants.

For these reasons, the Town Board finds that the Modified Project will not result in any significant adverse impacts to water supply, groundwater or hydrogeology.

**K. WASTEWATER**

The Town Board considered potential impacts with respect to wastewater from the proposed development. The Town Board considered comments received on the DEIS regarding wastewater, and further considered them in the FEIS.

The Club's existing wastewater treatment plant (WWTP) is located between the #9 hole green and the fairway bunker, generally in the center of the Site. The plant discharges to an on-site unnamed tributary (a Class D stream) to the Byram River (a Class C (T) waterway). The WWTP's existing SPDES (State Pollution Discharge Elimination System) permit has a year-round average monthly permitted discharge of 16,000 gallons per day (gpd). The WWTP currently treats an average of 8,000 gpd during the winter months and an increased amount during the summer months.

A new, upgraded treatment plant will be constructed in a timeframe such that sufficient treatment capacity is available as homes are completed and occupied. The existing WWTP will remain in operation while the upgraded plant is constructed. The upgraded plant will provide process equipment better suited to the proposed development, process redundancy that the current plant does not offer, and a higher quality effluent than the existing WWTP produces.

The sewage effluent under the Modified Project would generate less gallons per day than the DEIS plan because of fewer bedrooms. The design of the new wastewater treatment plant would remain the same as described in the DEIS. The new wastewater treatment facility and related infrastructure would be owned by a duly formed sewage-works corporation. In addition, the Applicant will be required to obtain permit approval from the Westchester County Department of Health for the proposed wastewater treatment facility and will also be required to maintain the facility in accordance with New York State Health Commission requirements.

For the reasons described above, the Town Board finds that the Modified Project is not anticipated to have any significant adverse impacts to the environment from wastewater.

**L. COMMUNITY FACILITIES AND SERVICES**

The Town Board examined potential impact on the provision of community services, including but not limited to schools, open space, emergency services, solid waste, schools and open space.

## **1. Schools**

The Site is located within the Byram Hills School District (BHSD).

The Town Board acknowledges expressed concern about the potential increase in school children population. The Modified Project would generate a worst case scenario of 16 school age children. The residences would be marketed to empty nesters and active adults, which could result in fewer school age children. Using multipliers from other Westchester County golf course communities would result in approximately 8 school age children. It is anticipated that these school age children could be absorbed into the Byram Hills School District without significant impact. The anticipated new School District tax revenue per year (approximately \$1,700,000) would more than cover the cost to educate the anticipated school children.

## **2. Open Space and Recreation**

Brynwood Golf & Country Club is proposed to be upgraded as part of the Modified Project, including a renovated golf course. As a condition of the receipt of the first residential building permit, the Applicant commits to recording a perpetual conservation easement in favor of the Town that will permanently limit the future use of the golf course to either a golf course or as private open space. The Town Board finds that the granting of the perpetual conservation easement would support the conservation of open space in the Town. To further ensure that the golf course of the Brynwood Golf & Country Club remains open space in perpetuity, it is the objective of the Town Board to have a second grantee in addition to the Town on the proposed conservation easement. This would provide greater assurances that the terms of the conservation easement would not change under future Town Boards.

It is anticipated that the recreational needs of the new residents would primarily be met through the provision of on-site facilities and the Modified Project would not significantly impact open space resources in the Town.

The Town charges a fee in lieu of providing recreation facilities. The Applicant believes that sufficient on-site recreational facilities are being provided to meet the demand of the Modified Project, and will therefore request a credit be given for the market rate homes. The residents of the AFFH units would not be required to be members of the Club and would likely use Town recreation facilities. Therefore, the required \$1,000 per unit fee in lieu would be paid by the Applicant for the AFFH units.

## **3. Police Protection**

Police protection and services are currently provided to the Site by the North Castle Police Department. The Site is currently protected by private security cameras at the clubhouse and maintenance building.

The construction of 73 new residential units on the Site would bring approximately 163 new residents to the Site, who would require police services.

The Modified Project would have additional security, including a 24/7 secure gatehouse at the Site entrance with a barrier arm, along with upgrades to the existing electronic security systems. Access to the Site by police vehicles is adequate. Although a gatehouse with a barrier arm gate is proposed, emergency services would always have access to the Site.

It is anticipated that the amount of taxes generated by the Modified Project would be sufficient to cover any project generated additional costs to the Town's emergency service providers.

#### **4. Fire Protection, Ambulance and EMS**

The Site is located in the Armonk Fire District.

The Fire Department reviewed the proposed turning radii on each of the private roads and found them acceptable. The design of enclosed garages would comply with all applicable building codes including any laws or regulations regarding venting to prevent unsafe carbon monoxide levels. The residences would have sprinklers, in accordance with Town Code, and standpipes would be provided adjacent to the garage entries. Extension of Water District No. 2 to encompass the Site would provide the necessary water flows and pressure to accommodate firefighting requirements.

It is anticipated that annual property taxes from the Modified Project to the Armonk Fire Department would cover incremental additional costs to the Fire Department.

#### **5. Solid Waste**

The Modified Project is expected to generate approximately 660,300 lbs of solid waste per year at full build out (27.5 tons/month). Solid waste would be collected and disposed of by private carters. No Town services or facilities would be required for solid waste disposal from the Modified Project. In accordance with local regulations, the Modified Project would participate in the Town and County recycling programs.

#### **6. Other Utilities (Gas, Electric, Telephone, Cable TV)**

Additional electrical service would be provided to the Site from the existing overhead electrical lines. Additional gas service would be provided to the Site from the existing 8-inch high pressure gas main beneath the easterly portion of Bedford Road. Any required upgrades to the existing telephone/TV/Internet service to the Site would be provided by Verizon and/or Cablevision in accordance with Town regulations.

## **7. Town Highway Department**

All roads on site will be privately owned and maintained, including snow plowing, maintenance and paving. According to the Town Highway Department, the Modified Project will not increase demands for services from their Department.

For the reasons described above, the Town Board finds that the Modified Project is not anticipated to have any significant adverse impacts to community facilities and services.

## **M. TRAFFIC AND TRANSPORTATION**

The Town Board carefully considered all comments made with respect to traffic and transportation. The Town Board finds that the Modified Project will not cause any significant adverse traffic or transportation impacts.

The DEIS analyzed the following intersections:

- NYS Route 22 and Chestnut Ridge Road
- NYS Route 22 and Baldwin Road
- NYS Route 22 and Site Access
- NYS Route 22 and Upland Lane/Coman Hill Elementary School
- NYS Route 22 and Tripp Lane (Byram Hills High School)
- NYS Route 22 and Banksville Road
- NYS Route 22 and NYS Route 433/Niles Avenue
- NYS Route 22 and I-684 NB On/Off Ramps
- NYS Route 22 and I-684 SB On/Off Ramps

In response to traffic comments raised at the public hearings, additional traffic (capacity) analyses were conducted in the FEIS, at the following 5 intersections:

- NYS Route 22/Cox Avenue
- NYS Route 22/Sterling Road
- NYS Route 22/Creemer Road
- NYS Route 22/Windmill Road
- NYS Route 22/Sniffen Road

The Modified Project will not significantly affect the area roadways. Based on the results of the capacity analyses, the Town Board finds that similar Levels of Service and delays would be experienced under Future No-Build and Future Build Conditions at all 14 intersections. In addition, the sight distance provided at the Site access is in excess of 750 feet to the left and in excess of 750 feet to the right. For the posted 40 mph speed limit, the stopping sight distance is 305 feet and the intersection sight distance is 445 looking to the left and 385 feet looking to the right. Based on the above, the Town Board finds that there is more than adequate sight distance at the Site access.

**N. SOCIOECONOMIC/FISCAL RESOURCES**

The Town Board considered potential impacts with respect to socioeconomics. The Town Board considered comments received on the DEIS regarding socioeconomics, and further considered them in the FEIS. The Town Board acknowledges expressed concern about the potential amount of property taxes to be generated by the Modified Project.

The Proposed Project is expected to generate approximately up to 163 residents with Alternative 2. Fewer residents would be generated with Alternative 1.

The Applicant has agreed that all market rate residences (66, in Alternative 1, and 73, in Alternative 2) will be fee-simple homes. The Town Board acknowledges that the Applicant's objective is for the golf course community, in which some fee-simple lots will consist of "air space," to be a duly formed homeowners' association under applicable State law and regulation.

The DEIS also analyzes the economic benefits of the proposed development, including the effects on businesses during the three year construction period, future resident spending and economic benefits from future operations. The development would result in 100 full time equivalent, permanent jobs during golf season and 50 jobs throughout the remainder of the year. Summer jobs would continue to be made available to Armonk youth. During construction it is estimated that there would be \$145 million in expenditures in Westchester County. Household spending would amount to \$5 million per year and nearly \$4 million would result from Club activities.

For the reasons described above, the Town Board finds that the Modified Project is not anticipated to have any significant adverse socioeconomic impacts.

**O. AIR QUALITY AND GREENHOUSE GAS EMISSIONS**

The Town Board recognizes expressed concern about potential air quality impacts, increases in greenhouse gas (GHG) emissions, and odors.

***Greenhouse Gas Emissions***

Consistent with the New York State Department of Environmental Conservation Greenhouse Gas Policy, the proposed development evaluated the potential change in greenhouse gas (“GHG”) emissions (both stationary and mobile sources). The buildings will follow all residential building requirements in both the New State Building Code as well those in the Town Code (including the New York State Uniform Fire Prevention and Building Code, and the State Energy Conservation Construction Code).

The increase in GHG CO<sub>2</sub> emissions (mobile and stationary source emissions combined), is estimated at approximately 10,866.1 tons of CO<sub>2</sub> per year, for the Modified Project. The existing stationary source GHG emissions are expected to be minimal because the Site is currently a golf course. Therefore, the 2018 Build Condition was estimated to increase GHG emissions by 514.4 tons per year (tpy) for the mobile sources and by 10,351.7 tpy for the new stationary sources. The total increase of the project was estimated to be 10,866.1 tpy. Based on the analysis contained in the DEIS (DEIS Chapter III.O and Appendix N), the Town Board finds that the yearly increase in GHG emission due to the implementation of the Modified Project is not expected to create a substantial impact on regional GHG emissions.

***Mobile Air Quality***

The air quality study evaluation for the project included an assessment of the need to conduct mobile source analyses to determine the potential change in air pollution from the project. A review of the study area traffic volumes determined that neither a microscale nor a mesoscale analysis is required. The peak traffic volumes along NYS Route 22 range from approximately 400 to 650 vehicles per hour (vph) during the peak hours with only 47 AM and 55 PM peak hour trips entering and exiting the Site.

Based on the low traffic volumes in the study area, the Modified Project conforms to the 1990 Clean Air Act Amendments (CAAA) and the State Implementation Plan (SIP) as the existing and future CO, PM<sub>10</sub>, and PM<sub>2.5</sub> concentrations impacts from vehicles traveling through the study intersections will be well below the National Ambient Air Quality Standards (NAAQS).

The air quality study demonstrates that the Modified Project conforms to the CAAA and the SIP because:

- No violation of the NAAQS would be expected to be created.
- No increase in the frequency or severity of any existing violations (none of which are related to this development) would be anticipated to occur.
- No delay in attainment of any NAAQS would be expected to result due to the implementation of the proposed action.



Based upon the analysis presented herein and the conclusions summarized above, the Town Board finds that no significant adverse air quality impacts from the Modified Project are anticipated.

***Construction Impacts***

The Town Board finds that the mitigation measures to be employed during construction phases will minimize emissions of fugitive dust and emissions from trucks and on-site equipment. These measures are set forth in Table FS-1, below, and will be incorporated into the Modified Project. Therefore, the Town Board finds that the Modified Project will not result in significant adverse air quality impacts during construction.

***Odors***

In order to control odors generated on site, the new wastewater treatment plant process equipment will be housed in a climate controlled and ventilated structure, any outside tanks will be covered, and backup power generation will be provided. Due to the surrounding golf course and Club facilities, an odor control unit will be included in the process building. This unit will require an air emission permit from Westchester County Department of Health (see Table FS-1). With these measures, the Town Board finds that the Modified Project will not generate significant odors.

P. **NOISE**

The Town Board carefully considered potential noise impacts. Based on its review, the Town Board finds that the project-generated traffic (mobile sources) will not cause significant noise impacts at the 23 sensitive receptor locations analyzed, and operation of project (stationary sources) uses will not result in any significant noise impacts. Construction activities associated with the Modified Project will result in temporary construction impacts, including noise. The Modified Project shall comply with the Town Noise Ordinance, which regulates noise during construction periods. Noise levels may temporarily increase due to construction-related traffic and on-site use of construction equipment, but will be minimized to the maximum extent practicable.

The purpose of the noise evaluation was to assess compliance with the Town, NYSDOT, and the Federal Highway Administration (FHWA) noise impact criteria. The noise study evaluated existing and future sound levels in the vicinity of the Site following the procedures and guidance provided in the NYSDEC's Policy<sup>1</sup> for assessing and mitigating noise impacts. The noise study evaluated noise associated with mobile and stationary sources under existing and future conditions.

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<sup>1</sup>DEP-00-1: Assessing and Mitigating Noise Impacts, New York State Department of Environmental Conservation, Revised February 2, 2001.

***Mobile Sources***

The EIS assessed the maximum sound levels from mobile sources, which were assumed to occur during the daytime period. Under the Existing Conditions, the maximum sound levels at the 23 receptor locations during weekday daytime ranged from 47 dB(A) to 58 dB(A). The receptor locations with the highest sound levels are located near the roadways, such as Route 22. Vehicular traffic is the primary source of noise for these receptor locations. These sound levels are typical for a suburban area located near major roadways. Under Build Conditions, the receptor locations will experience sound levels ranging from 48 dB(A) to 59 dB(A), which is below the Town and NYSDOT impact criteria. The Town Board finds that, based on analysis contained in the EIS, the Modified Project will not result in a significant mobile source noise impact. However, the following measures, as suggested in the DEC Policy DEP-00-1, shall be incorporated into the development to minimize noise:

- Loading and service activities for the proposed development shall be located such that the buildings will screen the loading activities from the surrounding neighborhood.

***Stationary Sources***

The EIS included an evaluation of the stationary sources of noise, which included mechanical equipment located at each building of the Modified Project. The dominant noise source from the proposed development during the nighttime period was assumed to be mechanical equipment. The Existing Condition ambient sound levels ranged from 42 dB(A) to 53 dB(A) during the nighttime. Sound levels associated with the proposed development's mechanical equipment ranged from 40 dB(A) to 48 dB(A). The Build Condition (existing plus mechanical equipment) sound levels ranged from 44 dB(A) to 54 dB(A) during the nighttime period. The Town Board finds that based on the analysis contained in the EIS, the project-generated stationary source sound levels are all below both the Town's noise threshold for air handling devices and overall nighttime sound levels, which is 55 dB(A). These results also meet the NYSDOT non-highway criteria.

***Construction Noise***

Construction activities may result in temporarily increases of nearby sound levels due to the intermittent use of heavy machinery during the construction of the Modified Project. The proposed development is expected to generate typical sound levels from construction activities, including foundation construction, truck movements, heavy equipment operations, and general construction activities. Heavy machinery, such as front end loaders, graders, bulldozers, and backhoes, would be used intermittently throughout the Project's construction.

As required by the DEC Policy DEP-00-1, various phases of construction should be evaluated to assure that no noise impacts occur. The Town's Noise Ordinance was used as guidance for construction-related noise evaluation. Sound levels associated with the activities during the construction phase was calculated using FHWA's Roadway Construction Noise Model

(RCNM) at a distance of 400 feet from the centroid of the construction site. The calculated sound level at 400 feet was 69 dB(A), which is below the Town's permitted sound level of 70 dB(A) during the hours of 8:00 a.m. to 6:00 p.m. The Town Board finds that no significant adverse construction impacts have been identified. However, the following measures, as suggested in the DEC Policy DEP-00-1, shall be incorporated into the construction phase of development to minimize noise:

- Construction equipment shall be required to have installed and properly operating original noise muffler systems.
- Construction activities shall be performed at the times permitted by the Town of North Castle, in accordance with the noise ordinance.

Based upon the analysis presented herein and the conclusions summarized above, the Town Board finds that no significant adverse noise impacts from the Modified Project are anticipated.

Q. HAZARDOUS MATERIALS

The EIS considered the potential impacts with respect to hazardous materials at the Site. The Town Board considered comments received on the DEIS regarding hazardous materials, and further considered them in the FEIS.

The Phase I Environmental Site Assessment (ESA) conducted for the Site revealed no evidence of recognized environmental conditions (RECs), except for potential subsurface impacts from two former underground storage tanks (USTs). As of January 2013, all hazardous materials facilities on the Site met regulatory requirements, following an inspection by the Westchester County Department of Health and assisted by the consulting firm Performer Compliance. All current and former hazardous materials locations will be removed or replaced as part of construction of the Modified Project. Any demolition debris found to contain hazardous materials will be disposed of by a licensed disposal contractor.

Although impacts due to hazardous materials are not anticipated, mitigation measures described in the EIS will be implemented by the Applicant through the golf course superintendent by following the new ITPMP and the operations manual. An ITPMP is currently being implemented to minimize environmental impacts to ecological features, but a new, more comprehensive ITPMP will be implemented after renovations.

Following renovation of the golf course, the operational ITPMP will be provided to the Town each year showing additions, changes and deletions to the previous years' plan in a summary section. By February of each year the Applicant will provide the Town with a report of the previous years' activities that will include: materials used, irrigation protocol, Integrated Pest Management (IPM) Program including results from pest scouting and all pest control

applications. Best management practices to be utilized during the construction and operation of the Modified Project have been developed for a) asbestos-containing materials and lead-based paint, b) chemical storage, c) petroleum storage tanks and d) the maintenance area.

Regarding the “green waste debris” pile on the Site, before construction, this existing pile of lawn clippings will be tested as part of the construction process, and if any hazardous materials are found, they will be remediated in accordance with applicable law.

Other long term operation measures will be implemented, including: a) pesticides will be stored in the chemical storage building, and fertilizers, which are temporarily stored only for use in a current season, will be stored in a covered storage area; b) the new maintenance area will include many upgrades to protect from potential impacts; and c) water and soil monitoring will be performed. Soil testing will be performed twice a year through an outside laboratory and a contamination audit of surface flow and irrigation water is performed monthly. Stormwater runoff will be tested monthly for possible contaminants

In addition, the Applicant is currently seeking golf course certification from Audubon International, which includes maintaining many environmentally sensitive management and operations measures to form an environmental plan of action which can be implemented to help improve wildlife habitat and wetland management, reduce chemical use and create and safer protocols for needed chemical use, become more efficient with water usage, manage the quality of not only the water systems on the Site but surrounding water systems as well as groundwater.

For the reasons described above, the Town Board finds that the Modified Project is not anticipated to have any significant adverse impacts to the environment from hazardous materials.

**R. CONSTRUCTION IMPACTS**

The Town Board considered potential impacts with respect to construction of the Project. The Town Board considered comments received on the DEIS regarding construction, and further considered them in the FEIS.

The majority of construction activity on the Site will occur in already disturbed areas, including the existing tennis courts along Route 22 where most of the residential units will be located. The only building construction adjacent to the Coman Hills School is the proposed construction of the AFFH units or club building (formerly referred to as Fairway Residences) at the western edge of the Site’s existing parking lot. This proposed building is approximately 450 feet from the school building. There are homes within 500 feet of the Site to the east (Windmill Farms neighborhood) and north of the Site (Embassy Court and Ilana Court). The

Site borders I-684 to the west, however, no impacts to I-684 are anticipated due to any construction or demolition activities.

The Modified Project would be constructed in three phases over a 3-year construction period. The upgrading and renovation of the golf course would occur in two separate seasons. The first phase of the construction would include reconstruction of the clubhouse and the adjacent outdoor amenities, as well as the upgrading of nine holes of the golf course, and the construction of approximately 30 residential units. The Applicant will provide all Bedford Road landscaping/perimeter buffers in Phase 1. The second phase would include approximately 26 additional residential units and the balance of the golf course. The final construction phase would include the remaining residential units.

A plan for the staging and construction related parking has been developed in the EIS and will be implemented during the construction phases. This phasing is intended to accommodate the construction of the residential component of the Modified Project in a generally south to north direction.

Construction related impacts would be addressed through a series of best management practices (BMP), including an erosion and sediment control plan and various measures designed to address dust, noise and other construction impacts as described in the EIS. As part of the construction phases of the Modified Project, periodic inspections by Town personnel of erosion and sediment control measures, as well as pre-construction meetings with the Town, owner and contractor(s) would be a condition of approval. In addition, the Town Board finds that in order to manage and mitigate any potential impacts related to construction traffic on area roadways and from construction vehicles entering and exiting the Site, the Applicant should prepare a traffic construction plan for review and approval by the Planning Board during the site plan review process.

The Applicant intends to request authorization from NYSDEC to disturb greater than five acres of soil at any one time. The phasing plan will be modified to indicate sub-phases during the site plan approval process.

For the reasons described above, the Town Board finds that the Modified Project is not anticipated to have any significant adverse short-term impacts related to construction.

#### **IV. ALTERNATIVES**

The Town Board considered five alternatives to the Proposed Action. These alternatives consist of uses at currently permitted in the R2-A District in a conventional, conservation, and cluster subdivision, and with different density scenarios for the development of the Project Site. The alternatives include:

### ***Brynwood Golf & Country Club***

- Alternative 1: No Action - The No Action Alternative assumes that the Brynwood Golf & Country Club would continue operating as a membership golf course and country club, but that the facilities and golf course would not be improved, and that the proposed residential golf course community would not be developed on the Site. No conservation easement would be granted under this alternative.
- Alternative 2: Existing R2-A Zoning – Conventional Subdivision of the Site - Under this alternative, the Site would be developed with 49 single-family homes on 2 acre minimum lots. The club and golf course would be eliminated in this alternative and five affordable housing units would be created. This alternative would not require zoning amendments.
- Alternative 3: Existing R2-A Zoning – Conservation Subdivision of the Site (two plans; one plan with 1 acre lots, and one with 0.5 acre lots) - Under Alternative 3, two “conservation subdivision” plans were studied, each having 49 single family lots, based on a conventional subdivision lot count; one plan has lots with a minimum area of one-acre, and the other, lots with a minimum area of a half-acre. Like Alternative 2, Alternative 3 would include five affordable housing units and the club and golf course would be eliminated.
- Alternative 4: Cluster Subdivision (fee simple town homes) within the same approximately 14 acre area of the Site in which the proposed golf course community would be developed - The alternative townhouse development would cluster 69 attached residences in the same areas of the Site as the Project, with each residence on its own fee-simple lot. Seven affordable housing units would be provided under this alternative.
- Alternative 5: Reduced density golf course community (49, 60 and 75 units) - Alternative 5 is the development of a residential golf course community, but at three lower densities than the originally proposed project. For this alternative, it is assumed that there would be 49, 60 or 75 total units in the community, inclusive of AFFH rental units equal to 10% of the number of market rate units. As with the Modified Project, the residential units would be age-targeted luxury residences and owners would be members of the Club.

Based on comments received on the DEIS, Alternative 5 was revised to eliminate the internal access road that ran parallel to Bedford Road and the 60 unit option was revised to relocate the two Club Villa structures away from the northern property line.

In addition, the FEIS presented a two alternative development scenarios. The two alternative development scenarios in the FEIS are:

- FEIS Alternative 1: the construction on the Site of 63 market rate condominiums, 10 fee-simple Golf Cottages, and 7 AFFH rental units (80 total units).
- FEIS Alternative 2: the Applicant would (1) construct a total of 80 market rate residences (70 condominiums and 10 fee-simple Golf Cottages) on the Site, and (2) pursuant to Section 213-22.1.5(iii)

of the Town Code, either construct 8 AFFH rental and/or for-sale units off-site, or acquire existing (or approved but not yet constructed) off-site residential units and make them AFFH units subject to regulation under Section 213-22.I of the Town Code, at one or more locations identified by the Applicant, and approved by the Town Board.

After the FEIS was filed, the Applicant offered two alternative development scenarios for the Modified Project. In the first alternative development scenario ("Alternative 1"), the Applicant will construct a residential community (the "residences," or "golf course community") on the Site with 56 market rate fee-simple attached residences, 10 fee-simple detached Golf Cottages, and 7 "Affordable Affirmatively Furthering Fair Housing" ("AFFH") fee-simple, or rental units.

In the second alternative development scenario ("Alternative 2"), the Applicant will: (1) construct a total of 73 market rate residences (63 fee-simple attached residences and 10 fee-simple detached Golf Cottages) on the Site; and (2) either construct 7 AFFH rental and/or for-sale units off-site, or acquire existing (or approved but not yet constructed) off-site residential units and make them AFFH units subject to regulation under Section 213-22.I of the Town Code, at one or more locations identified by the Applicant, and approved by the Town Board.

Based on the alternatives analysis presented in the DEIS and FEIS, the Town Board finds that at this time, the Modified Project, as compared to the other project alternatives, best achieves both the goals and objectives of the Town and Applicant.

## **V. CERTIFICATIONS**

After due consideration of the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS, and after weighing and balancing the relevant environmental impacts with social, economic, and other considerations, the Town Board of the Town of North Castle, as Lead Agency for the review of the Proposed Action discussed herein, certifies, for the reasons set forth in this Findings Statement, that:

1. The requirements of 6 NYCRR Part 617 have been met;
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives, the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating those mitigation measures that are set forth herein, which have been identified as practicable;
3. The Proposed Action balances potential adverse impacts against potential beneficial impacts in the forms of creation of additional housing, including affordable housing units, long-term preservation of open space, and generation of tax and other revenues; and

4. This written Findings Statement contains the facts and conclusions utilized by the Town Board to make its decision.