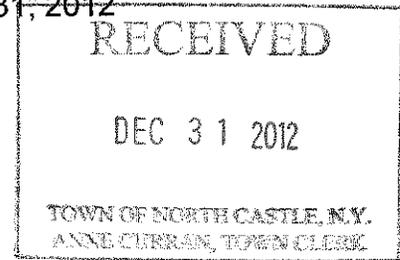


December 31, 2012



By Hand

Hon. Howard Arden, Supervisor  
and Board Members  
Town of North Castle  
15 Bedford Road  
Armonk, New York 10504

Re: Brynwood Country Club  
568 Bedford Road, North Castle, New York  
Zoning Ammendment, Site Plan Approval,  
Wetlands Permit, possible Subdivision

Dear Supervisor Arden and Town Board Members:

Thank you for providing the public an opportunity to submit further written comments on the SEQRA scoping process for the above-captioned action.

I respectfully request that the following additional comments be taken into consideration in preparation of the final EIS Scope, along with the earlier comments of November 26<sup>th</sup> and December 5<sup>th</sup>, as well as those of the many other neighbors who have participated in the process.

1. Economic Analysis

One issue not properly addressed by the Draft Scope is the economic analysis of the project. In the Summary of Scoping Comments not Included in the Scoping Document, the Town's consultant explained that specific questions with regard to the economic analysis were omitted because they were deemed "beyond the scope" of the DEIS. This statement is inconsistent with the discussion led by the Town's special attorney at the September 27th Town Board meeting where the Board approved the start of the SEQRA process. In that meeting, the Supervisor specifically asked Mr. O'Rourke to explain the

misconception that the SEQRA process is limited to just environmental concerns. Mr. O'Rourke explained that the process was extensive and included a wide range of concerns. Now the Town's consultant is publicly stating that the DEIS should not analyze the economics of a proposed project. These statements are inconsistent and are misleading to the public. We respectfully request that a full economic analysis of the project be prepared to understand the proposal's viability. If the project is an economic failure, the environmental impact to the town will be considerably different than the one analyzed in the DEIS. Many of the proposed details of the project will change in order to preserve the developer's capital. Most likely, the result will have a substantially greater negative environmental impact. In order to properly account for the potential negative ramifications of the project, a full and extensive economic analysis is required.

A proper economic analysis should include, but not be limited to the following: a thorough tax analysis; an analysis of golf course economics; an analysis of property values; and a thorough analysis of school impact. First, The analysis of the projected tax revenue, as currently proposed, is incomplete. The proposed scope limits the comparison of the Town's potential tax revenue to only two alternatives: a for-sale residential project and a rental project. The proposed condominium units are taxed at substantially less than fee simple homes. This results in significantly less tax revenue to the Town than other multi-family developments such as Whipoorwill Hills and Whipoorwill Ridge. In order to understand the impact of this lost revenue, a comparison must include the

potential tax revenue if the proposed units were sold as fee simple units rather than as condominiums.

Second, the economic analysis should include an analysis of golf course economics in New York and nationwide, including an analysis of local, statewide and national golfing industry trends and the likely demand for golf course community housing in the current economic climate. As the success of the golf course is vital to the success of the project, it is essential that the applicant's experience (and success or failure) in building golf course communities be disclosed.

Third, a thorough economic analysis must provide an analysis of the project's potential impact on property values throughout North Castle. This analysis should include the possibility that lower tax rates applicable for any condominium units on the site could increase the tax burden on other residential properties throughout the town.

Finally, since the number of school children generated by a project plays a substantial role in determining the tax consequences of a project, a proper economic analysis must include an exhaustive impact on the potential impact to the school system (detailed below).

## 2. School Impact Analysis

The proposed analysis of the impact on schools is incomplete. In the proposed DEIS, the school impact analysis is to be analyzed under two alternatives: the adult fifty-five and older community as proposed and a primary permanent resident population based on a typical mix of housing types in

Westchester. A more appropriate analysis for the second option would be to use housing types in Armonk so as to better represent the quality and attractiveness of our school system. In addition, since the sale price is an important factor in determining the number of school children that a development may generate, projections should be made across a reasonable range of prices starting with the highest price reasonably anticipated and ending with a substantially lower price than anticipated. Moreover, as dens and offices are routinely converted into bedrooms, they should be considered bedrooms in this analysis.

### 3. As of Right Number

A proper analysis cannot begin without a detailed analysis of the developer's as of right number. As all potential development on the property must be compared to the as of right number, a proper analysis cannot be conducted without a determination of the actual as of right number, as opposed to the number proffered by the developer. It is counterproductive for discussions of the as of right number to be delayed until the DEIS public review period when that number is the starting point for countless analyses. The Town's consultants and the developer's consultants should present their analyses now, in the scope, in order to ensure that the most accurate analysis is achieved from the start.

### 4. Age Restriction

The draft scope makes no mention of analyzing the potential for enforceable age restriction options. As much of the developer's economic impact analysis is premised on the units being sold to adults fifty-five and older, it seems

as though the Town should study the options available to ensure that outcome. Other developments in North Castle were initially targeted to seniors during the approval process, but were later marketed (successfully) to young and growing families. Unless the community is age-restricted, analyzing the development as age-targeted may be misleading.

#### 5. Water Quality and Resources

Although G.1.b(2) (the second number 2) in the Draft DEIS seems to address the potential for future groundwater pollution as a result of fertilizers, pesticides, chemicals, etc., no provision of the scope addresses the need for an analysis of the current groundwater and whether the chemicals, fertilizers, etc. used to treat the golf course over the last fifty years have either contaminated the groundwater or have increased the risk of groundwater contamination in the future. As many studies have been conducted on this topic, the scope should include an analysis of these issues and studies. In addition, an analysis is required to determine if there is any possibility that groundwater from the proposed development could combine with the water in Water District 2 if the two communities share a water system.

#### 6. Town Services

As an increase in population will necessarily increase the demand for emergency services, the scope should include in its analysis whether emergency services, specifically fire and ambulance, have had the necessary resources to respond, on their own, to any and all calls for attention. If they have not been

able to do so, the scope should address whether either service provider required the help of a neighboring district and how the petitioner is going to mitigate this problem.

7. Traffic and Transportation

Since traffic on Route 22 is a problem at different points during the day and the petitioner will likely analyze ways to alleviate this problem, the scope should provide a list of all roads that are being considered as possible access points to the high school, both for emergency and other purposes, in order to ease traffic. In addition, any road that may be changed as a result of the proposed development should be listed and studied accordingly.

Thank you for consideration of these comments. Wishing you all a happy and healthy new year.

Best,

A handwritten signature in black ink, appearing to read 'Jan M. Bernstein', written in a cursive style.

Jan M. Bernstein  
President, ROWI, Inc.