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December 31, 2012

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, NY
Zoning Amendment, Site Plan Approval,
Wetlands Permit, possible Subdivision

Dear Supervisor Arden and Town Board Members:

This office represents Jan and Kenneth Bernstein, Earle and Elizabeth Yaffa, Peter and Allison Coviello, and Stuart and Nicole Kovensky, along with the interests of other North Castle residents who own and/or reside in homes located in close proximity to the Brynwood Country Club, or who live elsewhere in the Town but recognize the town-wide significance of the above-captioned proposed development.

We thank your Board for your efforts in the preparation of the December 7th Draft EIS Scope. I ask that you augment this draft based on the comments recently submitted by Robert Greene and Jan Bernstein, and that you also incorporate the following concerns:

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1. Stormwater design for 100-year storm events.

In my November 26th letter to your Board I asked that the Draft EIS take into consideration the question whether or not the proposed stormwater design for a 100-year storm event is sufficiently protective, in light of recent apparent changes in weather patterns. The so-called "100-year storm" is an event projected, based on historic data, to have a one percent chance of occurring each year, but the weather can change, and a standard that has in the past been considered to be sufficiently protective may no longer be so. As stated by Governor Andrew Cuomo after last October's storms, "There have been a series of extreme weather events. That is not a political statement; that is a factual statement. Anyone who says there is not a change in weather patterns is denying reality. We have a new reality when it comes to these weather patterns; we have an old infrastructure, we have old systems. That is not a good combination and that is one of the lessons I will take from this, personally."

I ask that the Town accept the "new reality" referred to by Governor Como and consider requiring stormwater facilities that are designed to protect against worse conditions than the so-called "100-year storm."

2. Pesticides and Fertilizers.

While the Town does well to encourage use of best practices in the management of pesticides and fertilizers on the property, even the "safest" chemicals pose environmental and health risks. Further, it is not reasonable to assume that only the safest chemicals and practices

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will always be employed. The Town is not in a position to constantly monitor and enforce such practices. New York State's list of chemicals that may lawfully be applied to golf courses includes many chemicals that are surely not on any "best practices" list. The potential impacts of use of all of these chemicals should be examined, not just of the "best practices" chemicals, because the community will face the risk of exposure to any chemical that may be legally applied in New York State.

I also ask that the potential impacts be examined of chemical storage, whether on-site or off-site, as well as rinsing of application devices and vehicles, whether on-site or off-site, and the transportation of chemicals to and from the site.

3. Disturbed wetlands.

Disturbed wetlands, that is, wetlands that have been altered by such activities as filling and regrading, may be found in many golf courses and other landscaped areas. If left to nature, these areas may well return to natural wetland vegetation and functions. In my November 26th letter I asked that such wetlands be identified during the Draft EIS process, and impacts on such wetlands be assessed. I referenced the delineation methods set forth in "Federal Interagency Committee for Wetlands Delineation. 1989. Federal Manual for Identifying and Delineating Jurisdictional Wetlands," starting on page 50, although there may be other acceptable methods of identifying such wetlands. The Draft Scope called for identification of, among others, "USACOE wetlands," and I ask that the document clarify that "disturbed wetlands" and wetlands in

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“disturbed areas,” as discussed in the 1989 Manual, are included in this investigation.

4. School-age population projections.

The December 7th Draft Scope calls, in Section K.1.b., for population projections based on the “typical mix of the housing types in Westchester County.” Housing types that are typical for the County, however, may not be an appropriate housing base for projecting school-age population growth in the Byram Hills school district. Byram Hills has an excellent reputation and may well serve as an extraordinary attraction for families with school-age children. I ask that the high quality of the school district be taken into consideration in projecting growth of the population of school-age children that may be generated by the proposed development.

5. Future use of the golf course property.

While the December 7th Draft Scope recognizes the possibility of failure of the proposed development, I did not see a requirement that the DEIS include specific plans and alternative uses and public benefits for the golf course open space area in the event that the project fails. I ask that this be added.

6. In my December 5th letter to your Board I asked that an inventory be made promptly of parcels that would be included in the proposed rezoning. The December 7th Draft acknowledges no possible impact of the rezoning other than impacts arising from redevelopment

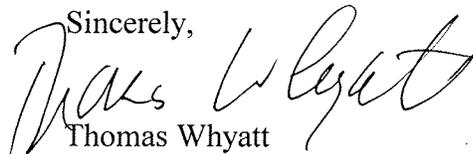
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of the Brynwood property in conformance with the proposed zoning amendments. The December 7th Draft thus clearly precludes the possibility of other parcels being included in the rezoning.

7. I have not reiterated here all of the issues raised in my prior letters to your Board concerning the DEIS Scope. Many of these issues were reflected in the December 7 Draft, and I greatly appreciate the courtesy, but not all were reflected. Pursuant to 6 NYCRR 617.8 (f)(7) any issues raised during scoping but not addressed in the final written scope should at least be identified in the document as having been determined “not relevant or not environmentally significant.” Pursuant to 6 NYCRR 617.8 (h), any of such comments not addressed in the DEIS will be considered as comments on the DEIS itself.

I thank your Board for your consideration of these comments.

Sincerely,



Thomas Whyatt
Oxman Tulis Kirkpatrick
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cc: Adam Kaufman