

Town Board Minutes
Regular meeting
Town of North Castle
Hergenhan Recreation Center
40 Maple Avenue
Armonk, New York
on
June 10, 2015

The Town Board meeting was called to order at 5:00 p.m. at Town Hall and immediately adjourned into Executive Session on the duly adopted motion of Councilman D’Angelo. All Town Board members, the Town Attorney, and the Town Administrator were present for the Executive session. The Executive session adjourned at 7:30 pm; the Town Clerk joined the regular meeting which reconvened at 7:42 p.m. at the Hergenhan Recreation Center and the following persons were present:

Supervisor:	Michael J. Schiliro
Councilmen:	Stephen D’Angelo
	Barbara W. DiGiacinto
	Barry S. Reiter
	Guy A. Mezzancello

Town Clerk	Anne Curran
Town Attorney	Roland A. Baroni
Town Administrator	Joan Goldberg

Resident George Pouder presented his book “Soldier Rest” to the North Castle Historical Society and the North Castle Public Library. The book contains biographies of Civil War soldiers buried in the Town of North Castle. Sharon Tomback, Co-Historian of the Historical Society, and Edie Martimucci, Library Director, accepted the book with deep gratitude.

Supervisor Schiliro said that discussion of the status of the Elijah Miller House will take place at the June 24, 2015 Town Board meeting.

Councilman D’Angelo moved, seconded by Councilman Reiter, approval of the minutes of the May 27, 2015 meeting.

Vote: Unanimous

Regarding the Brynwood Golf & Country Club Project, Councilman D’Angelo moved, seconded by Councilman DiGiacinto, receipt and adoption of SEQRA Findings, Draft dated June 9, 2015 as amended at the June 10, 2015 Town Board meeting.

The roll call vote was as follows:

Ayes: Councilman D’Angelo, DiGiacinto, Reiter, Mezzancello, Supervisor Schiliro

Noes: None

Regarding the Brynwood Golf & Country Club Project, Councilman D’Angelo moved, seconded by Councilman Reiter, to adopt the amendments to the Town Comprehensive Plan and the Zoning Text Amendments. The Resolution and Local Law follow at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilman D’Angelo, Reiter, DiGiacinto, Mezzancello, Supervisor Schiliro

Noes: None

Councilman D’Angelo moved, seconded by Councilman Reiter, to schedule a Public Hearing on June 24, 2015 to consider applying the Golf Course Community Floating Overlay District to a portion of the Brynwood Golf & Country Club property.

Vote: Unanimous

A stenographer recorded the minutes of the proceedings regarding the Brynwood Golf & Country Club Project including the comments and those minutes are attached as an addendum to the year 2015 minutes.

Councilman DiGiacinto moved, seconded by Councilman D’Angelo, receipt of Petition for the Long Pond Park District.

Vote: Unanimous

Town Attorney Baroni explained that he was informed by the State Comptroller that the Long Pond Park District must be formed on an ad valorem assessment basis, not on a benefit or property unit basis. This will require the Petition to be revised and the Supplemental Map, Plan and Report to be amended. Mr. Baroni said the Town cannot be a member of the District, and instead, the Town would have a contractual relationship with respect to the formation of the District. Mr. Baroni proposed that costs associated with the District formation for each of the 18 property owners would not exceed the annual cost of \$1,229 for the highest assessed property and the costs to the other properties would be divided based on assessed value. The annual cost to the Town would not exceed \$13,564.

Councilman D'Angelo moved, seconded by Councilman Reiter, the following regarding the formation of the Long Pond Park District:

- Authorize the Town Attorney to revise the Petition to incorporate the ad valorem assessment.
- Authorize Kellard Sessions, P.C. to amend the *Supplemental Report to Map, Plan and Report for the Dam Maintenance District Long Pond* dated May 28, 2015 to incorporate the ad valorem assessment.
- Authorize the Town Attorney to write a letter to NYSDEC to advise of the actions being taken by the Town and the 18 homeowners surrounding Long Pond to bring Long Pond Dam into conformance with Dam Safety Requirements.

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, approval of request from St. Nersess Armenian Seminary for a one-year extension of Special Use Permit, to expire July 11, 2016.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of Special Event Permit application for Restaurant North regarding *Share Our Strength-No Kid Hungry Campaign* on October 4-5, 2015, and further moved to schedule a Public Hearing on July 8, 2015.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, approval of film permit application from Cineflix Media Inc. (Property Brothers) to film at 3 Pine Wood Drive on June 18, June 29, July 10 and July 12, 2015.

Vote: Unanimous

Regarding the LT2 UV Disinfection Project of North Broadway booster pump station in Water District No. 1, Councilman D'Angelo moved, seconded by Councilman Reiter, approval of the request from Sal Misiti, Director of Water and Sewer Operations, to seek Bond Counsel.

Vote: Unanimous

Pursuant to a letter of recommendation from Sal Misiti, Director of Water and Sewer Operations, Councilman DiGiacinto moved, seconded by Councilman D'Angelo, approval of Payment Application #11 in the amount of \$754,147.40 to Bilotta Construction Corp. regarding the Water District No. 2 Water System Replacement Project, for work completed through May 22, 2015, and further authorized the Supervisor to sign the payment application.

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, receipt of Metro PCS notification of termination of communications site lease agreement at 127 Business Park Drive, effective August 31, 2015.

Vote: Unanimous

Pursuant to letters from Tax Receiver Colombo regarding an Order and Judgment, Councilman D'Angelo moved, seconded by Councilman Reiter, authorization to issue the following refunds to:

- Susan Maounis, 20 Andrews Farm Road, Greenwich, CT 06831 - for property location 5 Ashfields Lane, Greenwich, CT 06831, Tax Map #102.03-2-34, a refund in the amount of \$3,124.52 for assessment tax year 2014.
- David Zeng, 46 N. Greenwich Road, Armonk, NY 10504 - for property location 200 Bedford Banksville Road, Bedford, NY 10506, Tax Map #95.03-2-32, a refund in the amount of \$1,173.87 for assessment tax years 2011-2013.

Town Board Minutes
June 10, 2015
Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman DiGiacinto, the award of bid for transportation for teen travel camp to J & R Tours for \$12,890 and further authorized the Supervisor to sign the agreement.
Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, acceptance of proposal from Frederick P. Clark Associates for a traffic study regarding the installation of a traffic light at the intersection of Main Street and Bedford Road/Kent Place, for a fee of \$8,500 plus out-of-pocket and meeting expenses.
Vote: Unanimous

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of request of Assessor Sirota to attend the Cornell University Appraising Seminar from July 12-17, 2015, in Ithaca, NY. The cost of the seminar (\$975) plus associated expenses will be submitted to the State for reimbursement.
Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, ratification of Library Board appointment of Amanda Livingston, part-time Page, 16.5 hours/week, \$11 per hour, effective May 26, 2015.
Vote: Unanimous

Councilman DiGiacinto moved, seconded by Councilman Reiter, the appointment of Seasonal Laborers as follows:

- Brandon Trautmann, Parks Department, \$12.00 per hour, effective June 1, 2015
- Christopher Viento, Parks Department, \$12.00 per hour, effective June 5, 2015
- Michael Carpenito, Parks Department, \$12.00 per hour, effective June 8, 2015
- William Baroni, Parks Department, \$12.00 per hour, effective June 8, 2015

Vote: Unanimous

Councilman D'Angelo moved, seconded by Councilman Reiter, recognition of service of Michael Pinto to the Communications Committee.
Vote: Unanimous

Approval of request for Finance Department employees to attend a KVS seminar in Buffalo from July 20-22, 2015 was tabled.

Councilman DiGiacinto moved, seconded by Councilman Reiter, receipt of work- related injury/ illness report for a Highway Department employee.
Vote: Unanimous

Approval of Stipulation of Settlement with employee #3257 was tabled.

Councilman DiGiacinto moved, seconded by Councilman Reiter, the consensus agenda as follows:

- Receipt of Town Clerk's Report – May 2015
- Receipt of Notice of Claim-Con Edison vs. Town of North Castle and referral to Town Attorneys.
- Approval of request from General Foreman Norris for release of the following Highway bonds:
 - o Con Edison – Permits 0907, 0529, 0567, 0616, 0633, 0658, 0732, 0733, 0735, 0738, 1060, 1074, 1107, 1113, 1138, 1158, 1167 and 1193 in the amount of \$19,277 for street openings/ROW on various roads in the town of North Castle.

Vote: Unanimous

The Town Board audited and approved payments of \$12,296,048.13 as indicated on Warrant #10.

After all persons were heard who desired to be heard, the Supervisor closed the meeting at 10:25 p.m. in memory of the following residents: Joseph Viola, Jr., North White Plains; Dr. Benjamin Freed; Veronica Bernard, mother of Bruce Barnard, former Superintendent of Parks and Recreation; Theresa Havelka, former employee of North Castle Public Library; and Patricia Kapp.

Town Board Minutes
June 10, 2015

Anne Curran, Town Clerk

Dated: June 22, 2015

RESOLUTION

Action: Town Comprehensive Plan amendment; Town Development Plan Map amendment; amendment to Section 213-3 to amend the definition of Membership Club; amendment to Section 213-3 to add a new definition of Golf Course Community; creation of a new Golf Course Community Floating Overlay District; amendment to the special use permit requirements for membership clubs to permit modern golf club amenities

Application Name: Brynwood Golf and Country Club

Date of Approval: June 10, 2015

WHEREAS, an application dated August 2012 for Zoning Text Amendment was submitted to the Town Board by Brynwood Partners, LLC to amend the Town Code as described above; and

WHEREAS, to address comments on the DEIS the proposed amendments to the Zoning Ordinance have been revised in 2014; and

WHEREAS, the Town's Comprehensive Plan Update (the "Comprehensive Plan") recommends preservation of existing golf courses, including the Applicant's course, as private open space (e.g., Comprehensive Plan Sections IV.B.1.b.i and IV.C.9); and

WHEREAS, the Comprehensive Plan does not specifically recommend housing as a tool to facilitate the preservation of a golf course; and

WHEREAS, the Town Development Plan Map identifies the future use of the Site as "Private Recreation;" and

WHEREAS, to accommodate the proposed Modified Project, the Applicant proposes that the Town amend Section IV.C. of the Comprehensive Plan and the Town Development Plan Map to reflect the use of the Site as private recreation and housing; and

WHEREAS, the Applicant's petition to the Town Board includes an amendment to the definition of a Membership Club; and

WHEREAS, the existing, traditional regulations for membership clubs are not sufficiently flexible to permit the business model that the Applicant considers necessary to ensure the financial viability of the Club and to induce continuing capital investment under current and foreseeable economic Conditions; and

WHEREAS, the Applicant proposes that the Club – including its golf course, recreational facilities and dining amenities – would no longer be operated solely as a non-profit membership club for the benefit of members (and the public, to the extent currently permitted under the special permit). Rather, the Club would be owned and run by a for profit professional owner/manager; and

WHEREAS, the Applicant's petition to the Town Board includes an amendment to the Membership Club special use permit regulations; and

WHEREAS, specifically, the Applicant proposes amending and restating the membership club special permit regulations (Section 213-33.I of the Zoning Ordinance) to expressly identify the different uses permitted as part of a membership golf and country club, including: golf and tennis pro shops; health, fitness and spa facilities; facilities for the operation and maintenance of the club including employee and management housing, and buildings for the storage and repair of golf carts; and restaurants and other food and beverage service facilities which primarily serve club members and their guests but which may also serve the general public at outings and catered events. The Applicant further proposes amendments to the special permit regulations to: (a) permit lodging rooms/suites for use by club members and their guests, guests attending catered special events, and club management and employees; and (b) permit compact car parking spaces.

Town Board Minutes

June 10, 2015

WHEREAS, the Applicant's petition to the Town Board includes the creation of a Golf Course Community Floating Overlay District; and

WHEREAS, the residential density proposed by the Applicant is not permitted under the existing regulations of the R-2A District; and

WHEREAS, to permit the proposed residential community to be developed, the Applicant is requesting that the Zoning Law 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 the R-2A District) that would permit the proposed golf course community residential use (as well as the uses currently permitted in the R-2A District, including membership clubs).

WHEREAS, the Planning Board, in a communication to the Town Board, determined that the proposed action is appropriate; and

WHEREAS, the Town Board declared its intent to act as Lead Agency in connection with the proposed action and circulated such Notice of Intent and the EAF to all involved and interested agencies as required under SEQRA; and

WHEREAS, in accordance with Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617, the Town Board on June 10, 2015 adopted environmental findings; and

WHEREAS, the Planning Board adopted a motion at its May 11, 2015 meeting by a vote of 5 to 0 recommending that the Town Board approve the above-referenced actions; and

WHEREAS, the Town Board opened a public hearing on May 27, 2015 and closed the public hearing on June 3, 2015, to receive comments regarding the proposed amendments to the Comprehensive Plan amendment and the Town of North Castle Zoning Code; and

WHEREAS, the Town Board has requested, received and considered comments from the Town attorney, the Consulting Town Engineer and Consulting Town Planner regarding the proposed development.

NOW, THEREFORE, BE IT RESOLVED, that the Town of North Castle Town Board hereby amends the Town Comprehensive Plan Update 1996 page IV-37 to include the following modified sentence to precede Section IV.C.10, "The Town should do all it can to ensure permanent preservation of all private open space, including the Whippoorwill Club, Brynwood, the Daniel Grey Fishing Club and the Fordham University Louis Calder Center (LCC) Biological Field Station, through the use of the right of first-refusal and through the approval of housing that results in the preservation of a meaningful amount of open space; and

BE IT FURTHER RESOLVED, that the Town of North Castle Town Board hereby amends the Town Comprehensive Plan Update 1996 – Town Development Map to identify the Brynwood property as within a new "Private Recreation/Housing" category from the "Private Recreation" category; and

BE IT FURTHER RESOLVED, that the Town of North Castle Town Board hereby amends Section 213-3 to amend the definition of Membership Club; Section 213-3 to add a new definition of Golf Course Community; creation of a new Golf Course Community Floating Overlay District; and amendment to the special use permit requirements for membership clubs to permit modern golf club amenities.

TOWN OF NORTH CASTLE

**Local Law No. 6 of the Year 2015
Adopted June 10, 2015**

AMENDMENTS TO ZONING CODE CHAPTER 213

I. Amend the definition of “Club, Membership” in Section 213-3 to read as follows:

CLUB, MEMBERSHIP - Land, buildings and facilities operated for the use and benefit of members and their guests primarily for recreational purposes, including golf clubs, country clubs, tennis and swimming clubs and similar facilities. A “membership club” shall not regularly render services to the general public. However, club facilities including golf courses and other recreational facilities, restaurants and food service facilities, and lodging facilities may be reserved and used by the general public on a fee basis for outings and special events.

II. Amend Section 213-3 to add a new definition of “Golf Course Community,” as follows:

GOLF COURSE COMMUNITY - A residential community which can be comprised of detached, semi-detached, attached and multifamily dwelling units, all designed for active adults, in which the central focus of the community is an affiliated membership club having an 18 hole golf course and other recreational facilities adjoining the golf course community. The owners of all residences in a golf course community shall be required to be members of the affiliated club. A golf course community is permitted only in the Golf Course Community Floating Overlay District.

III. Amend Section 213-3 to add the following as the last enumerated district:

GCCFO Golf Course Community Floating Overlay District

IV. Amend Chapter 213 to add new Section 213-25A, as follows:

§213-25A Golf Course Community Floating Overlay District.

- (A) Purpose and intent. It is the purpose and intent of this section to establish the Golf Course Community Floating Overlay (GCCFO) District, and provide for the development of a residential community designed for active adults in which the central focus of the community is an affiliated membership club having an 18 hole golf course and other recreational facilities. It is the further purpose and intent of this section to encourage the preservation of golf courses, thereby providing for the recreational needs of the Town and the maintenance of significant open space.
- (B) Eligibility, procedure and boundaries. The owner of one or more lots and/or parcels of land in the R-2A District 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 adoption of this section (the “Eligible Land”), may petition the Town Board to map the GCCFO District, but only on the portion of the Eligible Land located more than 100 feet from the perimeter property boundaries of the Eligible Land, it being the intent of the Town Board that the portion of the Eligible Land not mapped as GCCFO District shall be a buffer area and shall be used only for golf course uses including access driveways and accessory parking, permitted in the R-2A District. The boundaries of a GCCFO District shall be fixed by amendment to the Town Zoning Map in accordance with the procedure set forth in §213-68 of this chapter. The affiliated membership club shall be required to meet all membership club special use permit requirements pursuant to Article VII of this chapter via the issuance of a Town Board special use permit. The affiliated membership club shall also require Planning Board site plan approval pursuant to Article VIII of this chapter.
- (C) Uses. All uses permitted in the R-2A District shall continue to be permitted in accordance with the requirements of the R-2A District. In addition to uses permitted in the R-2A District, a golf course community is a permitted principal use in the GCCFO District. All uses are subject to Planning Board site plan approval and

performance standards in accordance with Articles VIII and X of this chapter and are subject to the requirements of this section. All accessory uses in Column 3 of the Schedule of Residence District Regulations (§213-19 of this chapter) shall be permitted accessory uses to a golf course community.

- (D) Lot, dimensional and parking requirements for a golf course community. The lot, dimensional, and parking requirements for a golf course community in this section shall supersede the Schedule of Residence District Regulations (§213-19 of this chapter). Lot size, lot configuration and other lot dimensional requirements within a GCCFO District shall be determined by the Planning Board in conjunction with subdivision approval. Lot size, lot configuration and other lot dimensional requirements of lots within a GCCFO District shall be based upon the Planning Board's consideration of the character of the neighborhood in which the GCCFO District will be located; the GCCFO District's relationship to adjoining districts, properties and land uses; the GCCFO District's topography; and such other factors the Planning Board may determine to be appropriate. The lots and/or parcels that together comprise a golf course community site are not required to be contiguous, provided that each such lot and/or parcel adjoins the affiliated membership club. All lot, dimensional, and parking requirements in this section, including but not limited to maximum density, maximum building coverage, minimum yards and required off-street parking, shall apply to the land area in the GCCFO District as a whole, notwithstanding that the golf course community site may be comprised of more than one lot and/or parcel, or that the site may from time to time be subdivided or resubdivided, and all determinations and calculations relating to such requirements shall be made with reference to the boundaries of the entire land area in the GCCFO District and as though such area is a single "lot" (as defined in § 213-3 of this chapter), even though it is or will be comprised of more than one lot and/or parcel.

(1) Lots and Dwelling Units in the GCCFO District.

- (a) Notwithstanding any provision of this chapter or chapter A216 of the Town Code, a lot in a GCCFO District may consist of a fee-simple interest in the volume of air bounded by a lower, and potentially also upper, horizontal plane, and by the vertical planes that are the perimeter boundaries of that air space.
- (b) Notwithstanding any provision of this chapter, every dwelling unit in a GCCFO District shall be located on or within a separate lot owned in fee-simple, and not on or within a condominium unit.

- (2) Density. The maximum permitted density shall not exceed one density unit, as defined in § 213-3 of this chapter, per 133,000 square feet of the aggregate total "lot area" (as defined in §213-3 of this chapter) in the GCCFO District and 1 dwelling unit, as defined in § 213-3 of this chapter, per 1.8 acres of the aggregate total "lot area" (as defined in §213-3 of this chapter) in the GCCFO District.

- (3) Building coverage. The maximum building coverage shall be 3.5%.

- (4) Maximum building height. The maximum building height shall be 3 stories and 39½ feet to the mean level of the primary roof, measured from the level of the finished grade at the main entry to the building.

- (5) Minimum floor area. Minimum gross floor area per dwelling unit shall not be less than the following:
- (a) efficiency: 450 square feet;
- (b) one-bedroom: 700 square feet;
- (c) two-bedrooms: 900 square feet; and
- (d) three-bedrooms: 1,100 square feet.

For purposes of this subsection, the Planning Board may allow balconies or paved terraces to be counted toward the minimum gross floor area requirement in an amount not to exceed 5% of that requirement.

- (6) Off-street parking.
 - (a) The Planning Board shall have the ability to vary off-street parking stall size and aisle width upon consideration of all relevant factors including the needs of the golf course community.(b)Up to 25% of enclosed residential off-street parking spaces may, with Planning Board approval, be tandem spaces.
- (E) Privacy considerations.
 - (1) Visual privacy shall be preserved for residents through the proper design of rear yards and/or patio spaces. Proper screening through the use of vegetation, fencing and partially or fully enclosed patios shall be provided.
 - (2) Audio privacy shall be maintained by requiring proper standards for solid party walls that will satisfactorily limit sound transmission between adjoining dwelling units.
- (F) Water and sewerage facilities. All dwelling units shall be served by either public or central water and sewage treatment facilities, including facilities owned by town improvement districts and duly formed water works and sewage works corporations, and no certificate of occupancy shall be issued for a dwelling unit until it is connected to approved and functioning water and sewage treatment facilities. Water and sewerage facilities shall be designed in accordance with the standards and subject to approval of the Westchester County Department of Health and the New York State Department of Environmental Conservation, as applicable.
- (G) Affiliation with membership club.
 - (1) A golf course community must be affiliated with an adjoining membership club which is subject to a Town Board special use permit pursuant to Article VII of this chapter. Such affiliation shall be established by the requirement that except for the initial developer/sponsor of the golf course community and successor sponsors/owners of units which have not yet been sold for owner occupancy, the owner of a dwelling unit of the golf course community must for the duration of ownership be a member (whether individually or as a family) of the membership club. The terms and conditions of membership shall be determined by the membership club.
 - (2) The golf course of the affiliated membership club functions as the open space for the golf course community, and preservation of that open space is a basis for the permitted density of a golf course community. Accordingly, as a condition of site development plan approval of a golf course community, the affiliated membership club shall 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 conservation easement shall be in form and substance reasonably acceptable to the Town Board and Town Attorney.

V. Amend Section 213-33.I (special permit requirements for membership clubs) to read as follows:

- (1) Purpose. It is the purpose and intent of this section to encourage the use of land in residence districts for recreational facilities, such as golf courses, tennis and swimming clubs and similar facilities, to provide for the recreational needs of the Town. It is the further purpose and intent of permitting such uses to encourage the maintenance of significant tracts of land as open space to protect and enhance the environmental and visual quality of the Town. Finally, it is the purpose and intent of this section to assure that such diverse types of recreational uses are developed and managed so as to protect the quality of the environment and the property values of adjacent and nearby residential areas.

(2) Location and use.

- (a) Where clubs do not front on or have direct access to a major or a collector road as shown on the Town Development Plan Map, the intensity of use shall be limited by the Town Board to the extent necessary to assure that the expected average traffic generation of such use will not exceed that which would be expected if the premises were developed for permitted residential purposes.
 - (b) Uses and facilities customarily part of a club shall be permitted as accessory uses, including but not limited to golf driving ranges, golf practice greens, golf and tennis pro shops, swimming pools, tennis courts and other recreational facilities, health, fitness and spa facilities, facilities for the operation and maintenance of the club including employee and management housing and buildings for the storage and repair of golf carts, and subject to applicable federal, State and Westchester County laws and regulations, fueling and fuel storage facilities, facilities for the storage and mixing of fertilizers and pesticides, water supply wells and facilities, golf course irrigation facilities and on-site sanitary sewage treatment facilities. A club may have one or more restaurants, cafés and other food service facilities which primarily serve club members and their guests but which may also serve the general public at outings and catered events.
 - (c) A maximum of twenty (20) lodging rooms/suites, but not Dwelling Units, for use by club members and their guests, guests attending catered special events, and club management and employees, but not the general public, shall be permitted. Lodging rooms/suites shall not have kitchens or food preparation facilities.
- (3) Buffer area. A landscaped buffer area of at least 25 feet in width shall be required along all lot lines adjoining or across the street from properties in residence districts, unless a larger buffer area is required by any other provision of this chapter. A landscaped buffer area shall not be required along any lot line adjoining a golf course community.
- (4) Special setback requirements. All active recreational facilities, such as tennis courts and swimming pools, shall be located out of doors and shall be subject to a Town Board special use permit pursuant to Article VII of this chapter. However, where the scale of buildings and setbacks are such that placing such uses indoors would relate harmoniously to the existing residential character of the district in which the membership club is located, they may be placed within permanent or temporary structures via Town Board special use permit pursuant to Article VII of this chapter. Such facilities shall be set back from adjacent residential property boundaries at least twice the minimum distance required for residential buildings in said district, except that the Town Board may permit a reduction of this additional setback requirement where, because of topography or the installation of additional buffer landscaping and/or fencing, the Town Board determines that any potential adverse external effect of such facility can be effectively reduced.
- (5) Management. The use and management of any facility under the terms of any special permit approval shall be the responsibility of the membership club. Suitable evidence, such as organizational documents, shall be provided as a part of the special permit application to describe the organizational structure and operating rules of the club.
- (6) Other requirements. In addition to the special standards described above, any club shall comply with any other requirements deemed appropriate by the Town Board in accordance with the requirements of Article VIII herein.

Effective Date: This Local Law shall be effective immediately upon filing of same with the Secretary of State of the State of New York.