

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

568 Bedford Road  
Town of North Castle  
Westchester County  
New York

(Section 2, Block 8, Lot 7.C1A)

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Prepared for      **Brynwood Partners, LLC**  
                            New York, New York

Prepared by       ***VHB Engineering, Surveying and Landscape Architecture, PC.***  
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**BRYNWOOD GOLF & COUNTRY CLUB**  
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**C. Letters and Written Comments Received on the DEIS**

Letter #1: Bruce Wuebber, Chairman, Board of Fire Commissioners, North Castle Fire District No. 2, letter to Town Clerk, 6/14/13; letter from Bruce Wuebber, to Lauren Wang, VHB, 1/22/13.

Letter #2: John J. Klem, letter to Town Board, 6/28/13

Letter #3: David and Liz Freund, e-mail to Adam Kaufman, 7/7/13

Letter #4: Chuck Dunn, letter, 7/15/13

Letter #5: Natasha Court, PE, Associate Engineer, Bureau of Environmental Quality, Westchester County Department of Health, letter to Andrew [Adam] Kaufman, 7/16/13

Letter #6: Liz and David Freund, e-mail to Art Adelman, 7/19/13

Letter #7: Earle Yaffa, memorandum to North Castle Town Board, 7/10/13

Letter #8: Jean McAvoy, Environmental Analyst, Division of Environmental Permits, NYSDEC, letter to Adam Kaufman, 7/26/13

Letter #9: Edward Burroughs, AICP, Commissioner, Westchester County Planning Board, letter to Adam Kaufman, 8/6/13

Letter #10: Sandra Adelman, letter to North Castle Town Board, 8/8/13

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Letter #16: Adam Kaufman, North Castle Director of Planning; Frank Fish, Principal and Sarah Yackel, Associate Principal, BFJ Planning (Town Planning Consultant),



memorandum to North Castle Town Board, 8/20/13

Letter #17: Joseph Cermele and John Kellard, Consulting Town Engineers; David Sessions, Town Wetland Consultant, Kellard Sessions Consulting P.C., memorandum to North Castle Town Board, 8/20/13

Letter #18: Robert Greene, memorandum to North Castle Town Board, 8/20/13

Letter #19: John Fava, Chairman, North Castle Conservation Board, letter to North Castle Town Board, 8/20/13

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Letter 1D: John Grotta, e-mail to Town Clerk, 7/6/13 and 7/8/13

Letter 2D: Resident (signature unclear), e-mail to Town Clerk, 7/10/13

- E. Phase I Archeological and Historic Resources Investigation, Phase IB and Phase II Archaeological Field Investigation** by Historical Perspectives, Inc., June 2013
- F. Water-Quality Addendum**, Brynwood Golf & Country Club, Groundwater Exploration and 72-Hour Pumping Test Program, Armonk, New York by Leggette, Brashears & Graham, Inc. September 2013
- G. Brynwood Golf & Country Club, Irrigation Water Usage**, Armonk, New York by Leggette, Brashears & Graham, Inc. September 2013
- H. Surface-Water Sampling Program**, Brynwood Golf & Country Club, Armonk, New York by Leggette, Brashears & Graham, Inc. May 13, 2013 (Revised September 10, 2013; updated March 2015)
- I. Westchester County, Drought Emergency Plan**, February 15, 2013; Local Law 9-1996, Chapter 693, Water Conservation
- J. Offsite Well Monitoring Program and Mitigation Plan**, Brynwood Golf & Country Club, Armonk, New York prepared by Leggette, Brashears & Graham, Inc.
- K. Complaint Response**, Leggette, Brashears & Graham, Inc. July 29, 2013
- L. Memorandum from VHB regarding school children generation** (dated 6/5/12; revised 7/9/13)
- M. Revised Brynwood ITPMP** (October 2013)
- N. Brynwood Pesticide application records**
- O. Letter from NYSOPRHP (8/2/13) to Adam Kaufman**
- P. The Residences at the Ritz Carlton sales data**
- Q. Traffic Impact Study, Attachment A, Attachment B and Attachment C**, by Maser Consulting P.A., September 2013.



- R.** Revised Proposed Zoning Amendments
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- T.** Soil Test Data - Carlin & Simpson Associates (revised October 2013)
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- V.** Memoranda from OLA Consulting Engineers and GHD Consulting Engineers (9/20/13)
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## I. INTRODUCTION AND PROJECT SUMMARY

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### A. State Environmental Quality Review

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA), this Final Environmental Impact Statement (FEIS) has been prepared for the redevelopment and renovation of Brynwood Golf & Country Club (the “Club”), located at 568 Bedford Road in North Castle, New York. The FEIS incorporates, by reference, the DEIS, which was prepared by Brynwood Partners, LLC (the “Applicant”) and accepted by the Town of North Castle Town Board, the SEQRA Lead Agency, on June 11, 2013.

The FEIS is organized as follows:

- This initial chapter of the FEIS includes a summary of the Proposed Action as modified by the Applicant subsequent to acceptance of the DEIS, as well as summaries of potential impacts resulting from these modifications and a description of the additional studies that have been completed after the DEIS was accepted and distributed.
- The second chapter of the FEIS presents responses to all substantive comments on the DEIS, including those made at public hearings on June 27, 2013 and July 10, 2013, and additional written comments received up until August 20, 2013, the end of the comment period.
- The final chapter, the Appendix, includes the public hearing transcripts, copies of all written comments received regarding the DEIS, as well as technical reports and data referenced in the responses.

### B. Proposed Action

The subject site (the “Site” or “Project Site”) is located at 568 Bedford Road (NYS Route 22) 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. (See Exhibit I-1, Site Location and I-2, Aerial Photograph).

#### Project History

December 2009: The Applicant acquired the Site (formerly known as the Canyon Club), and made cosmetic renovations to existing club facilities and retained Troon Golf as the operator/manager for the existing 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 to the Town Board, for amendments to the Town Zoning Ordinance to permit a golf course community with 98 residential units

September 2012: The Applicant submitted a further amended petition, seeking amendments to the Zoning Ordinance to permit the development of 88 residential units

November 2012: The Town Board declared Intent to be Lead Agency and issued a positive declaration for the Proposed Action.

November 26, 2012: Public scoping session held.

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

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, then accepted as complete by the Town Board on June 11, 2013.

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.

Since the DEIS was accepted in June 2013, there have not been any significant changes to existing conditions on the Site, no new proposed developments in the area, and no regulatory changes that affect the Modified Project (as defined below).

Projects since June 2013 reported to us by the Town Planner<sup>1</sup> include:

- Water project in Windmill Farms (installation of water mains. The Brynwood proposal has no impact or effect on this project).
- Road Repairs in Windmill Farms (The Brynwood proposal has no impact on this project).

Local laws changed since the DEIS include:

- LL No. 1-2014 - Affordable Housing (local law adopted – Brynwood project complies and is providing affordable housing).

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<sup>1</sup> Via e-mail from Adam Kaufman, 3/13/15



- LL No. 12-2013 - Ch. 10, Establishment of an escrow account (for a building permit)
- LL No. 2-2015 - Mailing Requirements for Public Hearings (for TB and PB hearings)

In addition:

- (New York State Department of Environmental Conservation) SPDES General Permit No. GP-0-15-002 (Effective January 29, 2015). The SWPPP prepared for the Site Plans will meet these stormwater requirements.
- As of April, 2014, on all Planning Board Submissions, the Planning Department needs a disk to upload (PDF or JPEG format) for the Planning Board meeting.
- An amendment to the ECL Article 15, Title 15 became effective on February 5, 2012 expanding the water withdrawal permitting program to include any water withdrawal (not just public water supply) that meets or exceeds a threshold volume of 100,000 gpd. NYCRR Part 601 was amended (effective as of April 1, 2013) as a result of the change to the ECL Article 15. Based on the amended Article 15 and Part 601, Brynwood golf course will need to file for an “initial” water withdrawal permit by February 2016 for their irrigation water system because the irrigation system has the capacity to withdraw between 500,000 gpd-2,000,000 gpd. Brynwood will meet this requirement.

#### Modified Project

In response to various comments including those related to the proposed physical layout of the Project and the Project’s fiscal impacts, the Applicant has tailored its request to propose two alternative scenarios for modifications to the Project (both scenarios collectively being referred to as the “Modified Project”).

In either scenario, the 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 golf course.

In the first alternative development scenario (“FEIS Alternative 1”), the Applicant would construct a residential community on the Site with 63 market rate condominiums, 10 fee simple Golf Cottages, and 7 “Affordable Affirmatively Furthering Fair Housing” (“AFFH”) rental units.

In the second alternative development scenario (“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. The Applicant acknowledges that 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.

The Applicant does not yet know whether it will pursue FEIS Alternative 1 or FEIS Alternative 2, but acknowledges that a determination must be made as part of its application for site plan approval of the Modified Project. In either alternative development scenario, there would be a total of 80 units on site.

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. These existing, traditional special permit regulations are not sufficiently flexible to permit the business model necessary to support the 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.

As part of the Modified Project, the clubhouse would be fully renovated, including a new façade, a reconfigured service entry and a new pool/recreation area. The existing clubhouse building would likely be reduced in size<sup>2</sup>, and the existing tennis courts would be relocated near the clubhouse and reduced in number from 14 to six. A new tennis viewing pavilion would also be constructed. Club parking will continue to be in the existing parking lot located to the south of the existing clubhouse.

The proposed residential development on the Site would be called the “Residences at Brynwood” or a name substantially similar. In FEIS Alternative 1, the development would consist of 63 market rate condominium units and 10 fee simple “Golf Cottages” located in the area to the north of the clubhouse (on the “North Parcel”), and 7 AFFH rental units (and potentially also lodging and employee housing units) in the building to the south of the clubhouse (on the “South Parcel”). In FEIS Alternative 2, the residential development on the Site would consist of 70 market rate condominium units and 10 fee simple “Golf Cottages” located in the area to the north of the clubhouse (on the “North Parcel”), and lodging and employee housing units in the building to the south of the clubhouse (on the “South Parcel”). In both alternatives, the residences on the Site are designed and age-targeted for active adults, and are set back 100 feet from property lines,

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<sup>2</sup> The architectural design for the renovated clubhouse has not yet been finalized. However, even if the size of the clubhouse is reduced, the uses in the building will not change. The design of the clubhouse will be presented as part of the application for site plan approval.



significantly increasing the buffer area along Bedford Road. 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 condominiums and fee simple Golf Cottages 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  $\frac{1}{2}$  space per bedroom.

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.

As described in the DEIS, 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. (See Exhibit I-6 for golf course plan).

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

As described in the DEIS, 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. (See Exhibit I-5A, Illustrative Master Plan).

Water demand would decrease slightly with the Modified Project, based on the reduced bedroom count. 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, the Applicant will petition the Town to extend Town Water District No. 2 to encompass the Site. In lieu of any “buy in” fee, the Applicant will, at its expense, make improvements to the facilities of the District to increase capacity and reliability, including construction of an additional well(s) and new replacement piping to serve both the Modified Project and the Coman Hill School. The current estimated cost for these Applicant funded improvements, which will benefit the entire District, is \$1,003,500 as detailed in Exhibit II.F-3, Preliminary Cost Estimate – WD #2.



### Proposed Amendments to the Zoning Ordinance and Town Comprehensive Plan

To address comments and ensure that the 100-foot buffer proposed as part of the Modified Project will be maintained, the proposed amendments to the Zoning Ordinance have been revised. The revised amendments are described as follows:

#### Definition of Membership Club

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. In specific, the current club models – equity membership clubs and stand-alone privately owned clubs – are risky propositions for their members and owners and have significant financial risks. Under the Applicant’s model, these risks are mitigated through the support of the Club by year-round residents, who contribute revenue toward continued operations of the Club during the off-season as well, thereby making the Club a viable year-round operation. Under this application, 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.

To permit this business model as well as the more traditional model (in which a club property typically is owned by a for-profit entity and is leased to a not-for-profit “membership” corporation), the Applicant proposes that the definition of “membership club” in Section 213-3 of the Zoning Ordinance be replaced with the definition in Section 1 of the proposed local law in Appendix R.

#### Amendments to Membership Club Special Permit Regulations

The Applicant proposes amending and restating the membership club special permit regulations (Section 213-33.1 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. The text of the proposed amendments and the special permit regulations governing membership clubs have been restated to read as set forth in Section 5 of Appendix R.



### Addition of “Golf Course Community” Floating Overlay District

The residential density proposed by the Applicant is not permitted under the existing regulations of the R-2A District.

To permit the proposed residential community 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 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) on the portion of the Site that is outside the 100 foot perimeter buffer proposed as part of the Modified Project. The proposed definition of “golf course community” is in Section 2 of Appendix R, and the proposed regulations of the Golf Course Community Floating Overlay District (which would be new Section 213-25A of the Zoning Ordinance) are in Section 4 of Appendix R.

The Golf Course Community Floating Overlay 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 regulations require all homeowners to be members of the affiliated club. The proposed regulations also 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. The regulations therefore expressly provide that as a condition of site 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 Attorney. The recorded conservation easement would run with the land, and bind all successor owners of the conservation easement area.

The regulations also establish special bulk, dimensional and parking requirements for a golf course community including a maximum permitted density of one “density unit” (as already defined in the Zoning Ordinance) per 11,000 square feet of the aggregate total lot area in the Golf Course Community Floating Overlay District.

The revised, proposed amendments to the Zoning Ordinance and proposed form of conservation easement are provided in Appendices R and S, respectively.



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).

The Comprehensive Plan does not specifically recommend housing as a tool to facilitate the preservation of a golf course. Moreover, the Town Development Plan Map identifies the future use of the Site as "Private Recreation."

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.

### C. Potential Impacts of the Modified Project

The physical layout on the Site 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. Compared to the DEIS plan, the key layout changes are:

- a 100-foot buffer that extends along the entire Site that reduces visual, land use, and natural resources 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 (If) while satisfying emergency access requirements.

The Golf Cottages proximate to Bedford Road are single-family detached structures more similar in size to the homes at Windmill Farms than the formerly proposed Club Villa buildings. As with the DEIS project, the condominium units and fee simple Golf Cottages would be age-targeted luxury residences and the residents would be required to be members of the Club. The layout of the golf course, clubhouse, tennis courts, parking lot, maintenance facilities and outlying structures would be the same as the DEIS plan.

Although the physical layout on the Site is essentially the same in both scenarios<sup>3</sup> and the number of on-site residences is the same in both scenarios (80 units each), FEIS Alternative 1 has 8 fewer units in the aggregate (including 1 fewer AFFH unit) than FEIS Alternative 2. Specifically, FEIS Alternative 1 has a total of 80 residential units all on site (i.e., 10 on-site market rate fee simple Golf Cottages, 63 on-site market rate condominium residences and 7 on-site AFFH units); and FEIS Alternative 2 has a total of 88 residential units a portion of which (the market rate units) are on

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<sup>3</sup> FEIS Alternative 2 also proposes physical change off-site with respect to the AFFH units, but the potential environmental impacts of those units will be, or in the case of already approved or existing units, previously will have been, subject to separate SEQRA review.



site and a portion of which the AFFH units are off site (i.e., 10 on-site market rate fee simple Golf Cottages and 70 on-site market rate condominium residences; and 8 AFFH units off-site). Both of these alternative development scenarios for the Modified Project are smaller overall than the proposed action plan analyzed in the DEIS, which has the same total number of units as FEIS Alternative 2 (88), but a greater number of bedrooms (209, compared to 198 in FEIS Alternative 2), making the DEIS plan the most dense development scenario (see Table I-1). **Therefore, unless otherwise stated, in this FEIS, all references to the Modified Project are to FEIS Alternative 2 of the Modified Project, and comparisons of the DEIS plan to the Modified Project are comparisons to FEIS Alternative 2 of the Modified Project.**

**Table I-1**  
**Modified Project Unit Type and Bedroom Mix**

Unit Type	DEIS Plan	FEIS Alternative 1	FEIS Alternative 2
<b>Market Rate Units</b>			
Golf Residences – 2BR Condo Flats	55	63	70
Golf Residences – 3BR Condo Flats	6	0	0
Golf Villas – 3BR Duplex	14	0	0
Golf Cottages – 4BR Detached	5	10	10
<b>Affordable Units</b>			
2 BR	6	6	7
3 BR	1	0	0
4 BR	1	1	1
<b>Total</b>	<b>88</b>	<b>80</b>	<b>88</b>

The following is a description of the major features of the Modified Project.

### **1. Land Use and Zoning**

The proposed action in the DEIS included the creation of a new category of special permit to be used in the R-2A District. Instead of a new special permit use, the Modified Project now includes the creation of a new Golf Course Community Floating Overlay District (in the underlying R-2A District) that will 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 Modified Project would be more compatible with surrounding predominately residential uses given the replacement of seven Club Villa buildings by five (smaller) Golf Cottages, and the incorporation of the 100 foot-wide buffer along Bedford Road. See Exhibit I-3, Proposed Zoning for illustration of the 100-foot perimeter buffer, and Appendix R for proposed zoning amendments.

## **2. Affordable Housing**

In FEIS Alternative 1, there would be seven (7) AFFH rental units on the Site, and in FEIS Alternative 2, there would be eight (8) AFFH rental and/or for sale units located off-site. In FEIS Alternative 1, there would be six (6) 2-bedroom units and one (1) 4-bedroom unit, and in FEIS Alternative 2, there would be seven (7) two-bedroom units, and one (1) four-bedroom unit (in both cases proportional to the market rate units).

## **3. Visual and Community Character**

In response to comments on the DEIS, the Modified Project would include a landscaped 100-foot buffer along the perimeter of the Site. 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. (See landscape Exhibits I-7 through I-12.)

The Modified Project also includes five Golf Cottages closest to Bedford Road. The Golf Cottages are single-family structures which would be architecturally compatible with the surrounding residential neighborhood at Windmill Farms. The proposed structures are approximately 2,000 square feet smaller in floor area and 6 feet lower in height than the “Club Villa” buildings shown in the DEIS.

The buffer, coupled with the smaller structures along the Bedford Road frontage would reduce visual impacts and be compatible with surrounding residential uses.

## **4. Natural Features**

Impacts to and mitigation for wetlands would be the same as the DEIS plan. Regarding wooded areas, potential impact with the Modified Project would be slightly less in the residential area since approximately 66 fewer trees would be removed in the increased vegetated buffer areas proposed in the residential areas of the Modified Project, from 879 trees removed to 813 trees removed. One other plan revision proposed with the Modified Project is the relocation of the stormwater facility in the southwestern corner of the site (adjacent to Hole #7), as requested as a preferred alternative location by the Town Engineer. This relocation would require some additional tree clearing since it is in



a wooded area, as well as approximately 0.25 acre of additional wetland buffer impact. This is not considered by the Applicant to be a significant impact, and the details of this design along with tree removal and local wetland permits, will be refined during Site Plan approval process.

## 5. Stormwater Management

The Modified Project would have slightly less impervious surface area than the DEIS plan, including 492 less linear feet of roadway. Overall, the Modified Project has less impervious area than the DEIS plan. A Storm Water Pollution Plan (SWPPP) would address stormwater quantity and quality issues. The Integrated Turfgrass and Pest Management Plan (ITPMP) proposed in the DEIS has been supplemented to address comments received (see Appendix M).

## 6. Water Supply

The water demand, measured in gallons per day (GPD), would be less than the DEIS plan even with FEIS Alternative 2 of the Modified Project because there would be ten (10) fewer bedrooms (see Table I-2 below). The DEIS described the construction by the Applicant of a new, private on-site water supply. The Applicant has since agreed to petition for extension of Town Water District No. 2 to encompass the Site. 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 1 or 2 new supply wells to serve all properties in the District.

**Table I-2**  
**Potable Water Demand for Modified Project (FEIS Alternative 2)**

Usage Type	Subcategory	Number	Water Usage Rate	Water Demand (gpd)	Water Demand (gpm)
Residential	2-bedroom residence	77 units	300 gpd/2-	23,100	16.0
	4-bedroom residence	11 units	475 gpd/2-	5,225	3.6
	Seasonal employee	12	75 gpd/person	900	0.6
	Guest Suites	5 suites	120 gpd/room	600	0.4
Clubhouse	Club Members Peak	400	25 gpd/	10,000	6.9
	Restaurant/Bar	100 seats	35 gpd/seat	3,500	2.4
Banquet Hall		250 seats	20 gpd/person	5,000	3.5
Employees		92	15 gpd/person	1,380	1.0
Golf Course Maintenance Shed		2,000 sq. ft.	0.1 gpd/sq.ft.	200	0.1
<b>Average Water Demand</b>				49,905	34.7
<b>Twice Average Water Demand</b>				99,810	69.3

Source: Leggette Brashears & Graham



## 7. Sewer

The sewage effluent, measured in gallons per day, would be less 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.

## 8. Socio Economic Factors

The projected population, school age children and estimated taxes for the Modified Project, compared to the DEIS plan, is set forth in the table below. Projected population would be slightly less with the Modified Project (191 residents instead of 204).

The Applicant has agreed that the ten (10) proposed Golf Cottages would be fee simple homes, thereby paying the same taxes as single-family homes in North Castle. Under New York State law, condominiums are taxed as though they are rental units. This typically results in approximately 50% less taxes generated than if the same units were owned in fee simple. The Applicant has determined that the type of attached residential product that could be owned in fee simple – i.e., attached townhomes in a homeowner's association, each homeowner having ownership of the ground below the unit - would not be desirable or marketable to the targeted homebuyers.

The Applicant acknowledges the potential inequity that results from the disparity between condominium and fee simple taxation under State law, but has no power to change the law. Nevertheless, because the condominiums are likely over time to require the same types of municipal services as any other homes in the Town, and because the Applicant proposes to develop attached condominium residences as opposed to fee simple townhomes to meet its own business goals and objectives, rather than any Town objective, the Applicant has agreed, for itself and the condominium association that will be its successor, to address the taxation disparity and mitigate any adverse fiscal impacts on the Town and the Byram Hills School District by making an annual payment to the Town and School District ("Mitigation Payment") equal to the difference between the amount paid as condominiums and the amount that would have been paid if the same units were owned and taxed as fee simple residences. As a condition of site plan approval, the Applicant would enter into a community benefits agreement with the Town setting forth how the Mitigation Payments are calculated, adjusted yearly, and paid.

As shown in the table below, with this agreement, the Modified Project (FEIS Alternative 2) would be expected to generate approximately \$2,598,230 annually in tax and Mitigation Payment revenue. Of the total \$2,598,230, approximately 67 percent, \$1,740,814, would go to the Byram Hills School District; approximately 15 percent, \$389,735, would go to the Town of North Castle; and the remaining \$467,681 would go to the County and other taxing districts. The DEIS plan was anticipated to generate



\$1,493,223. Therefore, the Modified Project is expected to generate over \$1 million more in annual tax and Mitigation Payment revenue.

FEIS Alternative 1 includes fewer market rate units on the Site so would generate approximately \$2,417,308 in property taxes, which is less than would be generated by FEIS Alternative 2. In both cases, to be conservative, the tax revenue that would be generated by the AFFH units is not included.

Note that in response to the concern that the projected value of the clubhouse (\$25,000,000) utilized in DEIS tax analyses is excessive, in this FEIS, the projected market value of the clubhouse has been reduced to a more conservative \$18 million to account for the likely reduction in the size of the renovated building.

**Table I-3**  
**Modified Project Estimated Taxes and Mitigation Payment (FEIS Alternative 2)**

	Market Value	Square Feet	Market Value Per SF	Tax and Mitigation Payment: % of Market Value	Estimated Taxes and Mitigation Payment (per unit)	# of Units	Taxes and Mitigation Payment Generated <sup>3</sup>
<b>Condominiums</b>							
2 BR Golf Residence	\$646,154 <sup>1</sup>	2,303	\$281	2%	\$12,923	70	\$904,615
<b>Condominium Mitigation Payment</b>							
2 BR Golf Residence	\$646,154 <sup>2</sup>			2%	\$12,923	70	\$904,615
<b>Subtotal Condominiums</b>							<b>\$1,809,230</b>
<b>Fee Simple Components</b>							
4 BR Golf Cottages	\$2,145,000	3,300	\$650	2%	\$42,900	10	\$429,000
Clubhouse/Golf Course	\$18,000,000	51,700		2%	\$360,000	1	\$360,000
<b>Subtotal Fee Simple Components</b>							<b>\$789,000</b>
<b>Total Modified Project (FEIS Alternative 2)</b>							<b>\$2,598,230<sup>3</sup></b>

<sup>1</sup>The market value of the condominiums for taxation purposes is based on the income capitalization approach, in accordance with State law. See Table II.C-4.

<sup>2</sup>The Mitigation Payment is based on the assumption that the market value of the condominiums calculated by the required income capitalization approach would be approximately 50% of the market value of the units if calculated for taxation as though they were fee simple residences.

<sup>3</sup>The tax amounts in this table do not include taxes attributable to the AFFH units, making the projections conservative.



**Table I-4**  
**Population and Fiscal Comparison of Modified Project (FEIS Alternative 2) and DEIS Plan**

	Units	Population <sup>1</sup>	School Age Children <sup>1</sup>	Total Taxes	School Taxes
Modified Project	88	191	17	\$2,598,230	\$1,740,814
DEIS plan	88	204	20	\$1,493,223	\$1,000,459

<sup>1</sup> Based on Rutgers CUPR multipliers

## 9. Community Facilities

### Schools

As shown in the table below, the Modified Project would generate a worst case scenario of 17 school age children, slightly fewer than the 20 children projected for the DEIS project (based on standard Rutgers CUPR multipliers).

As with the DEIS plan, the residential community would be marketed to empty nesters and active adults, which would likely result in much fewer than 17 school age children. Using multipliers from other Westchester County golf course communities (0.06 per condominium unit) would result in approximately 9 school age children. It is anticipated that these school age children could be absorbed into the Byram Hills School District without significant impact.



**Table I-5**  
**School Age Children Generated by Modified Project (FEIS Alternative 2)**

DEIS plan 80 Condominiums / 8 AFFH Units				Modified Project Alternative 2 80 Condominiums / 8 AFFH Units			
Multiplier / Unit Type	# of Units	Students Rutgers (CUPR)	Students Local Experience <sup>1</sup>	Multiplier / Unit Type	# of Units	Students Rutgers (CUPR)	Students Local Experience <sup>1</sup>
<i>Condominium Units-market rate</i>							
Golf Residence, 2BR Flat	55	2.8	3.3	Golf Residence, 2BR Flat	70	3.5	4.2
Golf Residence, 3BR Flat	6	2.9	0.4	Golf Residence, 3BR Flat	-	-	-
Golf Villa, 3BR Duplex	14	3.9	0.8	Golf Villa, 3BR Duplex	-	-	-
Golf Cottage, 4BR Detached	5	4.4	0.3	Golf Cottage, 4BR Detached	10	8.7	0.6
<i>AFFH Units</i>							
Fairway Residence, 2BR Flat	6	2.7	2.6	Fairway Residence, 2BR Flat	7	3.2	3.1
Fairway Residence, 3BR Flat	1	1.3	0.4	Fairway Residence, 3BR Flat	-	-	-
Fairway Residence, 4BR Flat	1	1.3	0.4	Fairway Residence, 4BR Flat	1	1.3	0.4
<b>Total Students</b>	<b>88</b>	<b>20</b>	<b>9</b>		<b>88</b>	<b>17</b>	<b>9</b>

<sup>1</sup> Local experience for the condominiums is based on a multiplier generated by the actual number of school age children at three local golf communities, as described in the DEIS. The “Local Experience” multiplier for the AFFH units is produced from the actual number of school age children at three local “Fair and Affordable Housing” developments (source: Housing Action Council).

#### Open Space and Recreation

With the Modified Project, 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.



**10. Traffic**

The DEIS Traffic Impact Study evaluated 88 residential units with 47 AM Peak Hour Trips and 55 PM Peak Hour Trips. Both FEIS Alternative 1 and FEIS Alternative 2 would generate slightly less than the DEIS plan based on the number of bedrooms and unit mix.

**11. Historic and Cultural Resources**

The Modified Project would not have significant impacts on historic or cultural resources and has documentation from NYSOPRHP confirming that (see below and Appendices E and O).

**12. Summary Comparison Table**

Summary of specific features of the DEIS plan and Modified Project are provided below, along with a comparison of impacts.



**Table I-6**  
**Summary Comparison**  
**Modified Project and DEIS plan**

	DEIS plan	Modified Project (FEIS Alternative 2)
Market-Rate Condominiums	80	80
Fair and Affordable Units	8	8*
<b>Total Residential Units</b>	<b>88</b>	<b>88</b>
Golf Cottages (4 BR)	5	10
Golf Residences (2 BR)	55	70
Golf Residences (2 BR)	6	0
Club Villas (3 BR)	14	0
Affordable Units (2 BR)	6	7*
Affordable Units (3 BR)	1	0
Affordable Units (4 BR)	1	1*
<b>Total Bedrooms</b>	<b>209</b>	<b>198</b>
<b>Buffer on Bedford Road</b>	<b>25 feet</b>	<b>100 feet</b>
Open Space	141.6 acres	141.6 acres
Impervious Area	17.5 ac. (6.6 ac. New impervious)	16.7 acres (5.8 ac. New impervious)
Length of Private Road	3,750 lf	3,258 lf
Steep Slope Impact	2.75 acres	2.75 acres
Trees to be Removed	879 trees	813 trees
Wetland Impacts	add 1.25 acres of new wetland enhancements	add 1.25 acres of new wetland enhancements
Wetland Buffer Impacts	4.34 acres	4.59 acres
Trip Generation (Peak)	47 AM / 55 PM	47 AM / 55 PM (or less)
Additional Water Demand	29,775 gpd	28,325 gpd
Additional Wastewater Generation	29,775 gpd	28,325 gpd
Annual Tax and Mitigation Payment Revenue	\$1,493,223	\$ 2,598,230
Total Population	185-204	183-191
School Children – Local Experience	10	9
School Children – Rutgers & Local Experience	20	17
Visual Impacts	4 new residential buildings along Bedford Road, with landscaping in 25-foot buffer.	5 new detached single family Golf Cottages along Bedford Road; portion of internal road close to Route 22 eliminated; landscaping added in 100 foot buffer along Bedford Road. (100' buffer extends around the perimeter of the Site.) Repair to stone wall on Windmill Farms side of Route 22

\*8 AFFH units to be located off-site.



## D. Additional Studies Completed Since DEIS Acceptance

### 1. Phase IB and Phase II Archaeological Field Investigation

A Phase IA Archaeological and Historic Resources Investigation of the Site was completed in 2013 and is 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, it was 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 is that land manipulation during the early 20<sup>th</sup> century completely compromised the integrity of the site. The artifacts recovered are not considered significant, and the area is not considered eligible for inclusion on the National Register. No further investigation is recommended. The report describing the Phase IB testing as well as the Phase II evaluation is included in this FEIS, as Appendix E.

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed all investigations and issued a letter confirming that “No Historic Properties [would be] Affected [as per 36CFR §800.4(d)(1)] as a result of the proposed undertaking.” This letter, dated August 2, 2013, is provided in Appendix O. The Modified Project would not impact the “Area of Potential Effect” and will not have an impact on historic resources.

### 2. Water Supply Investigations

Since the DEIS was accepted, the results of the water-quality analysis conducted for proposed Wells 1, 2B, 3, 5 and 6A have been received. The report of these results is included in FEIS Appendix F of this FEIS.

In addition, LBG has conducted a study of the irrigation water usage at the Club during 2013. The results of the study are included in FEIS Appendix G. Also included is the updated (March 2015) Surface Water Sampling Program (see Appendix H). A draft Off-Site Monitoring Plan is also included (see Appendix J).

The Applicant has since agreed to petition for extension of Town Water District No. 2 to encompass the Site. The Applicant has further agreed that if Water District No. 2 is extended to encompass the Site, the Applicant will at its expense make capacity improvements to the facilities of the District, including the production of one or two new supply wells to serve all properties in the District.



### 3. Traffic Analyses

In response to traffic comments raised at the public hearings, additional traffic (capacity) analyses were conducted, 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

Based on the results of the capacity analyses, similar Levels of Service and delays would be experienced under Future No-Build and Future Build Conditions at all five intersections. The additional traffic studies are located in Appendix Q.

### 4. Stormwater

In consultation with the Town Engineer, additional Stormwater Treatment Practices (STP) 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) at each of the locations of the various proposed stormwater practices. Test pit excavations were observed by representatives of JMC, Kellard Sessions and geotechnical engineers Carlin-Simpson & Associates. The test pits confirmed that there is sufficient depth of suitable soil or other factors to support the stormwater practices. Test pit logs are provided in Appendix T of this FEIS.

## E. Involved Agencies and Required Approvals

Under SEQRA, Involved Agencies are those that have approval or funding authority over a proposed action. In this case, the North Castle Town Board is the Lead Agency, and the Involved Agencies, and the approvals, are listed in the table below. Interested Agencies (without approval authority) are listed in Table I-7.



**Table I-7**  
**Involved Agencies / Project Approvals**

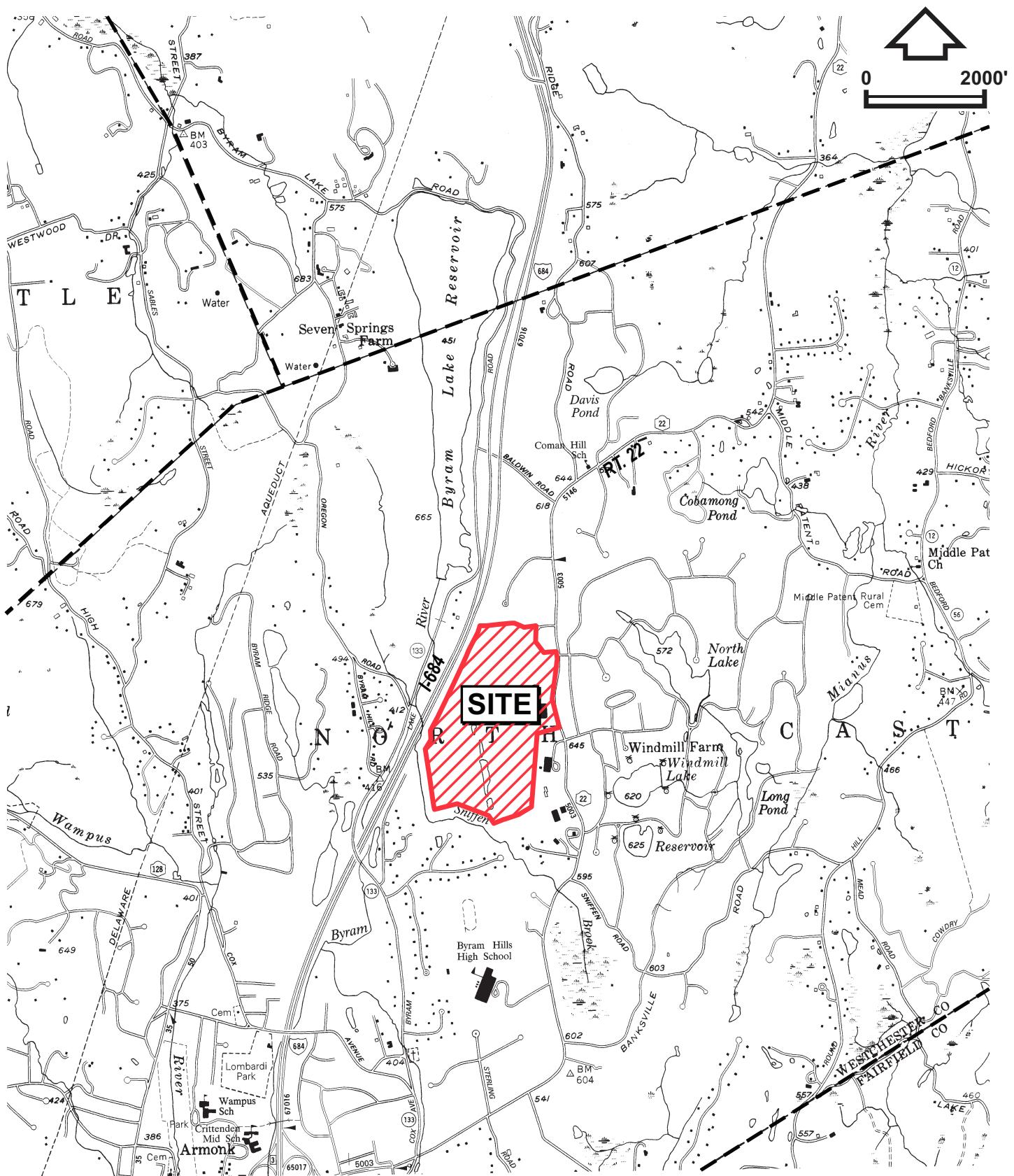
<b>Agency</b>	<b>Type of Approval/Review</b>
North Castle Town Board  (Lead Agency)	<ul style="list-style-type: none"> <li>- Amendments to Town Zoning Ordinance regulations to establish and map a new overlay zoning district in the R-2A District, to permit proposed “golf course community” residential 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>- Comprehensive Plan amendment to facilitate residential use</li> <li>- 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> <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)</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</li> </ul>
New York State Department of Transportation (NYSDOT)	Highway Work Permit (NYS Route 22)



**Table I-8**  
**Interested Agencies**

<b>Agency</b>	<b>Type of Review</b>
North Castle Conservation Board	Review of Project
North Castle Architectural Review Board	Review of Architectural Plans
North Castle Highway Department	Advisory review
North Castle Department of Sewer and Water	Advisory review
North Castle Building Inspector	Advisory review
North Castle Parks and Recreation Department	Advisory review
Byram Hills School District Superintendent	Advisory review
Town of North Castle Fire District No. 2	Advisory review
North Castle Open Space Committee	Advisory review
Westchester County Planning Board	General Municipal Law advisory review
NYS Office of Parks, Recreation and Historic Preservation	Review of Project
US Army Corps of Engineers (USACOE)	Review of Project (if necessary)
Residents of Windmill Inc. (ROWI)	Interested Party





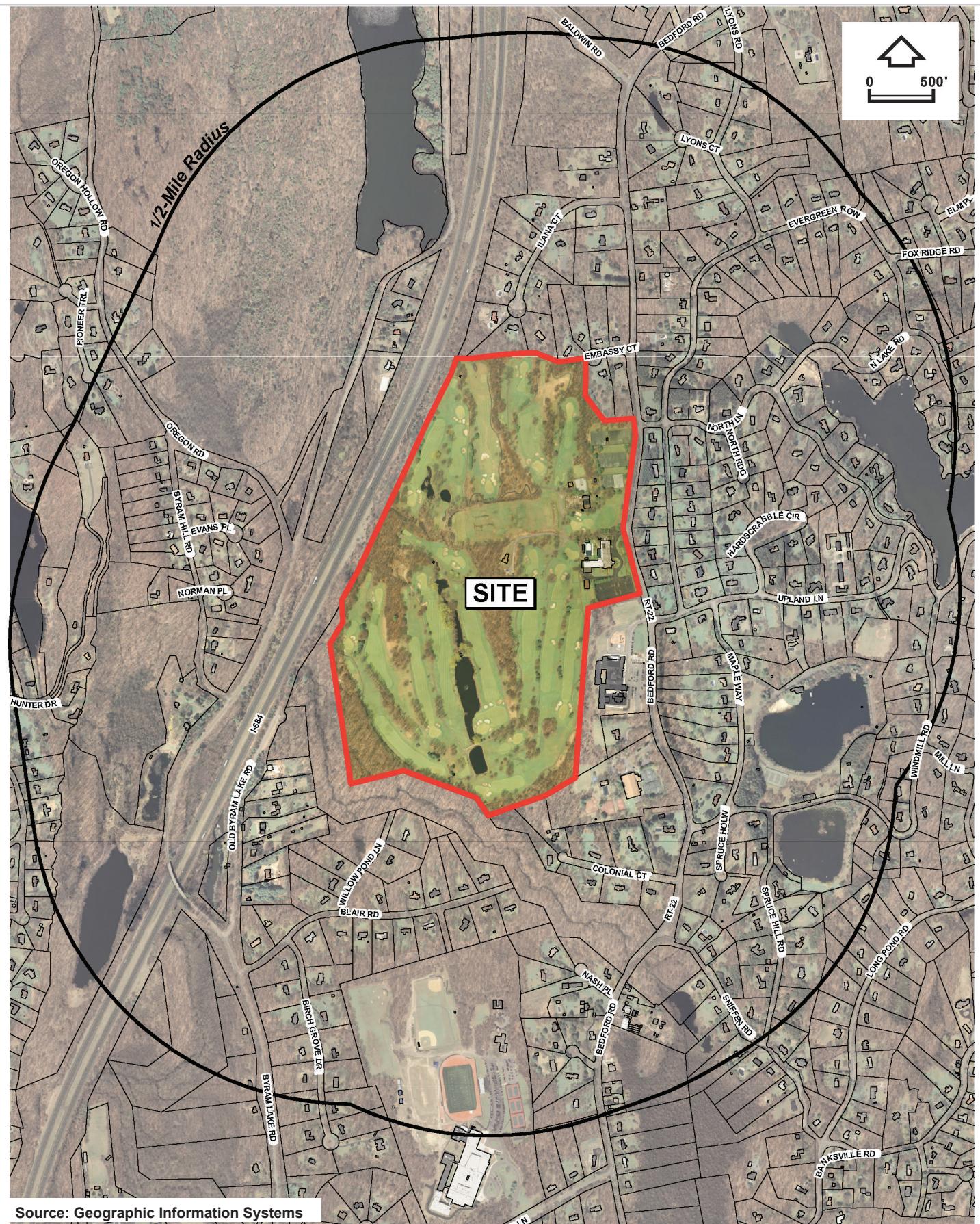
Source: Geographic Information Systems Clearinghouse

## **BRYNWOOD**

North Castle, New York

## Site Location

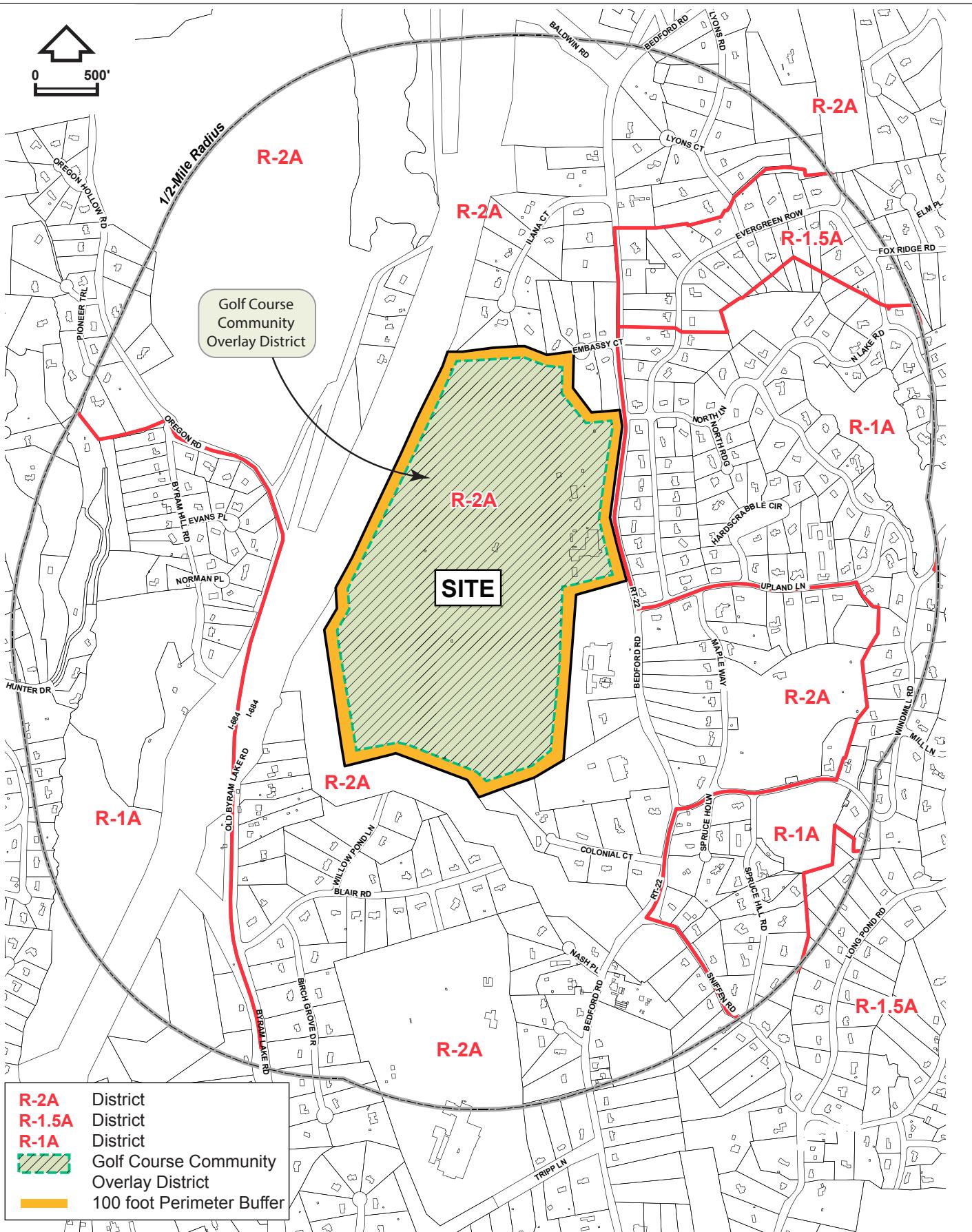
## Exhibit I-1



**BRYNWOOD**  
North Castle, New York

Aerial Photograph

Exhibit  
**I-2**



# **BRYNWOOD**

North Castle, New York

## Proposed Zoning

## Exhibit 1-3



**DEIS PLAN MASTER PLAN RESIDENTIAL**

Source: Hart Howerton Partners, LTD.

**BRYNWOOD**  
North Castle, New York

**DEIS Plan/Residential**

Exhibit  
**I-4**



**BRYNWOOD**  
GOLF & COUNTRY CLUB

Source: Hart Howerton Partners, LTD.

**BRYNWOOD**  
North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, P.C.

**Modified Project:  
Illustrative Master Plan**

**Exhibit  
I-5A**



**FEIS ALTERNATIVE 1**



**FEIS ALTERNATIVE 2**

**BRYNWOOD**  
North Castle, New York

**Modified Project Residential:  
FEIS Alternatives 1 and 2**

Exhibit  
**I-5B**



**BRYNWOOD**  
GOLF & COUNTRY CLUB

Source: Hart Howerton Partners, LTD.

**BRYNWOOD**  
North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, P.C.

**Modified Project:  
Master Plan - Club**

Exhibit  
**I-5C**



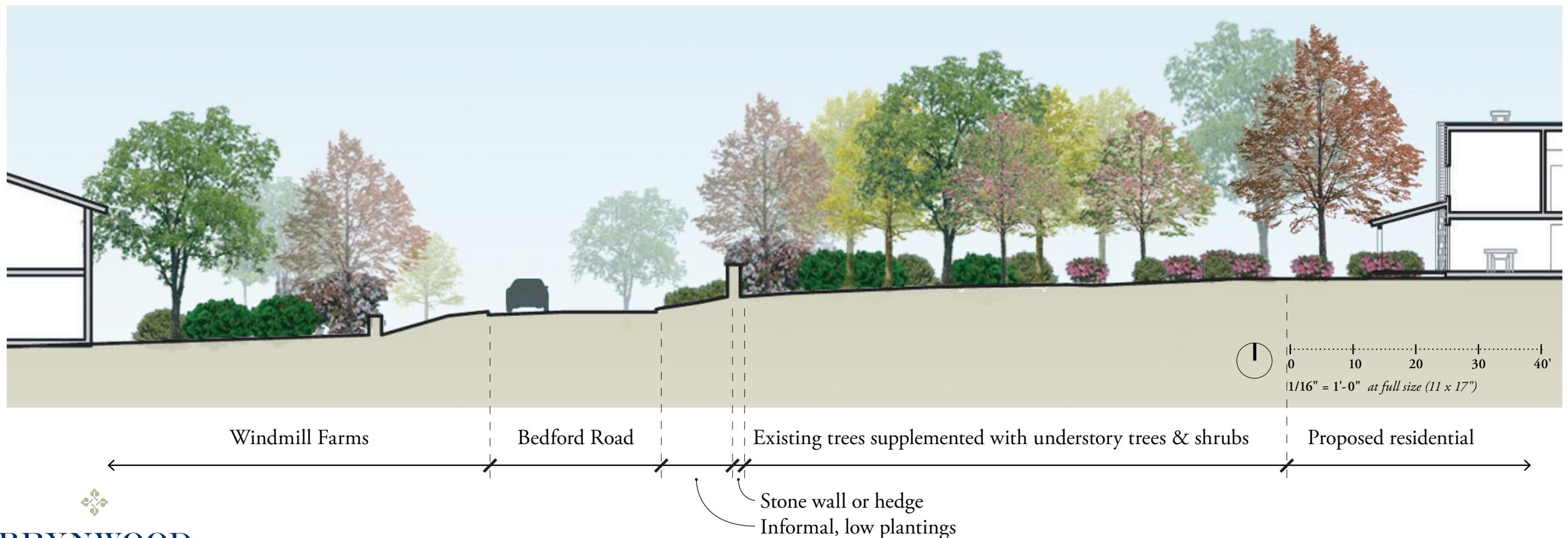
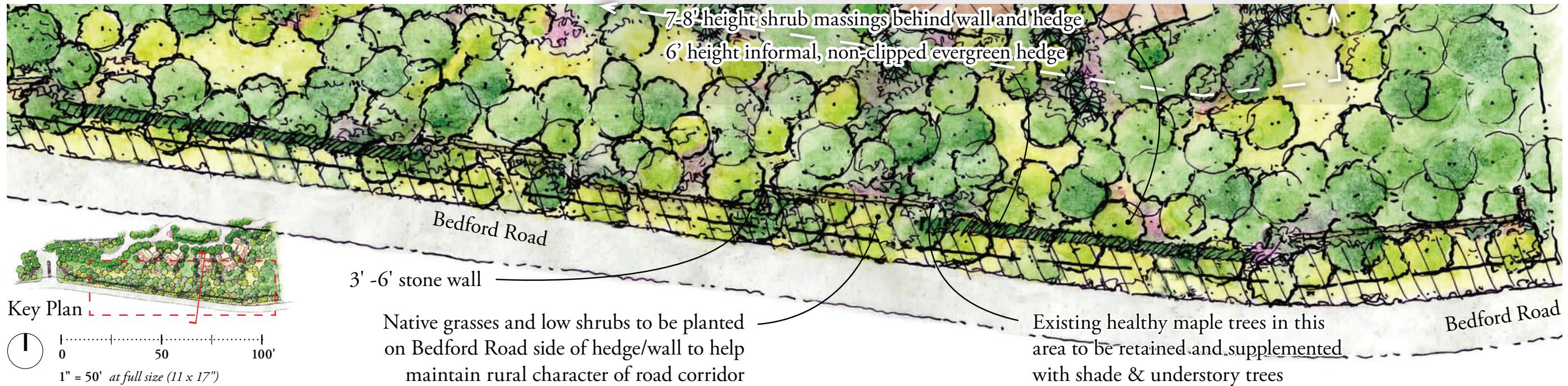
BRYNWOOD  
North Castle, New York



**BRYNWOOD**  
GOLF & COUNTRY CLUB

Source: Hart Howerton Partners, LTD.

**BRYNWOOD**  
North Castle, New York



**BRYNWOOD**  
GOLF & COUNTRY CLUB

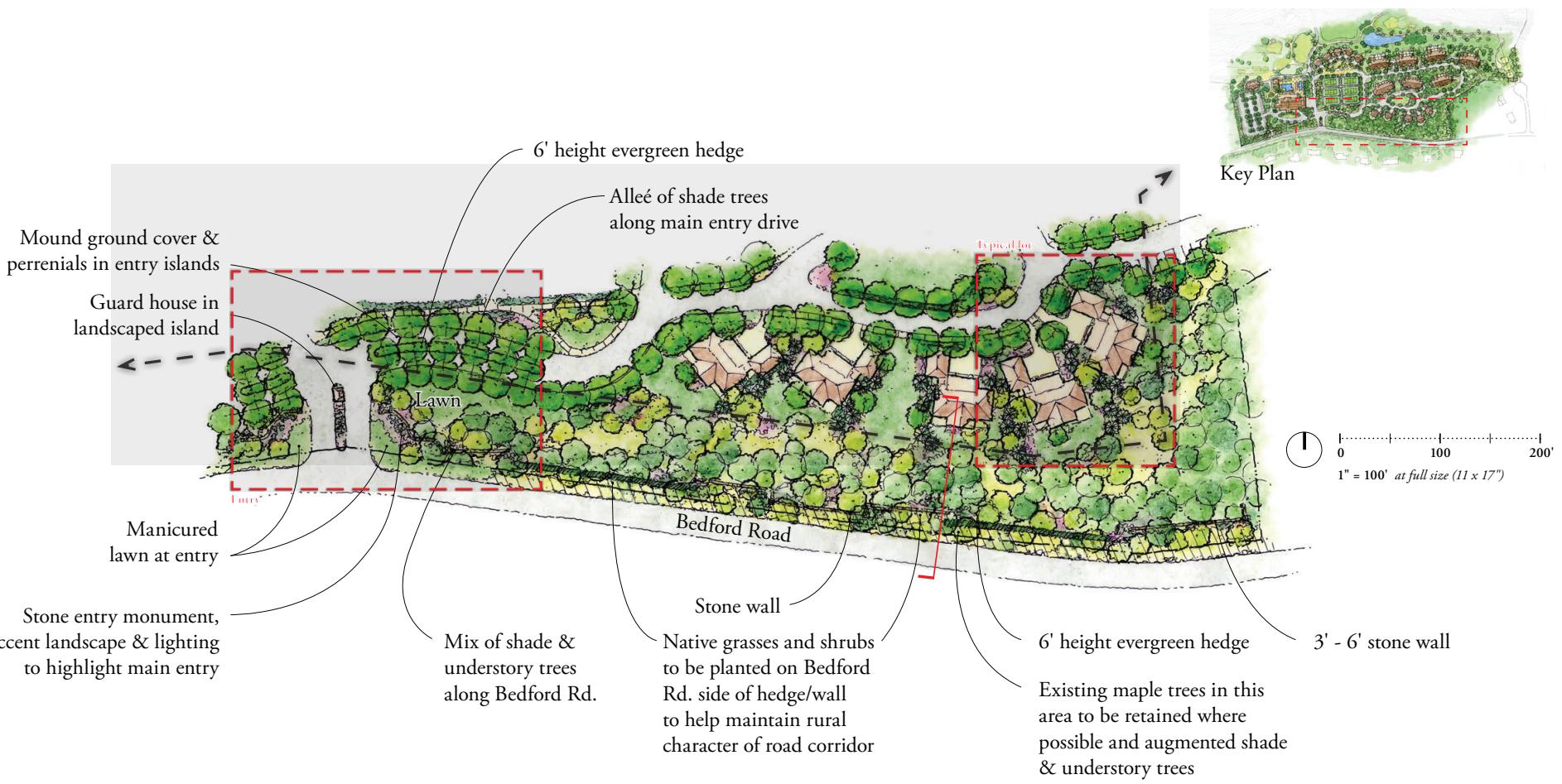
Source: Hart Howerton Partners, LTD. and Rees Jones

**BRYNWOOD**  
North Castle, New York

VHB Engineering, Surveying and Landscape Architecture, P.C.

**Landscape Concept Plan and Section**  
**Bedford Road Corridor**

Exhibit  
**I-8**



## BRYNWOOD

GOLF & COUNTRY CLUB

Source: Hart Howerton Partners, LTD.

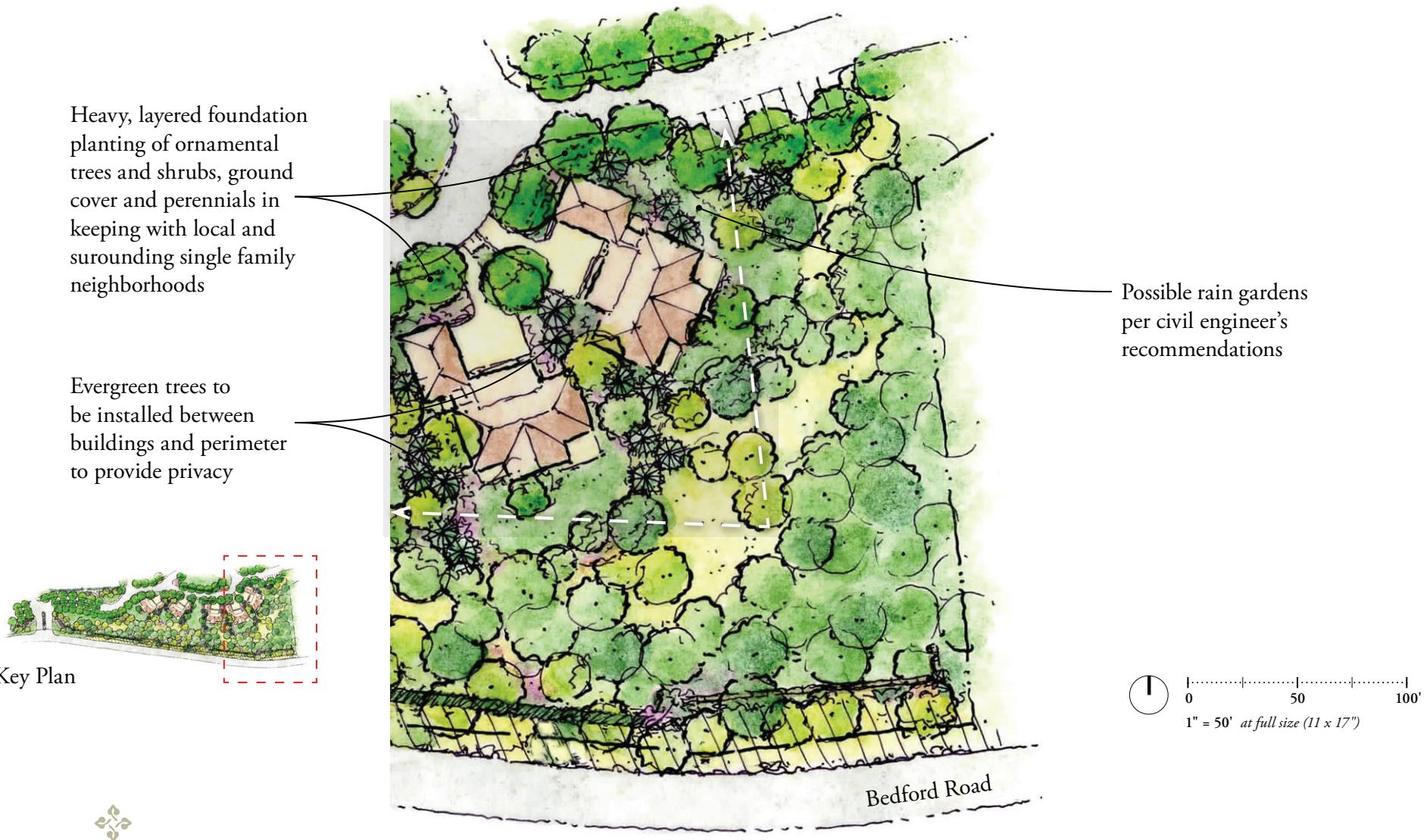
### BRYNWOOD

North Castle, New York

**vhb** Engineering, Surveying and Landscape Architecture, P.C.

### Landscape Concept Plan Bedford Road (North)

Exhibit  
**I-9**



**BRYNWOOD**

GOLF & COUNTRY CLUB

Source: Hart Howerton Partners, LTD.

**BRYNWOOD**

North Castle, New York

**vhb** Engineering, Surveying and Landscape Architecture, P.C.

**Landscape Concept Plan  
Typical Foundation Planting**

**Exhibit  
I-10**

Mounded ground cover & perennials in entry islands

Guard house in landscaped island

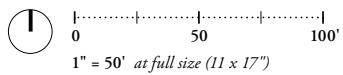
Accent planting and lighting to highlight entry

Manicured lawn at entry

Stone entry monument,  
accent landscape & lighting  
to highlight main entry

Mix of shade &  
understory trees  
along Bedford Road

Allée of shade trees  
along main entry drive



**BRYNWOOD**

GOLF & COUNTRY CLUB

Source: Hart Howerton Partners, LTD.

**BRYNWOOD**  
North Castle, New York

 **VHB** Engineering, Surveying and Landscape Architecture, P.C.

**Landscape Concept Plan**  
**Brynwood Entry**

Exhibit  
**I-11**

Evergreen trees & shrubs to be installed at perimeter to provide screening along parking lot

Coman Hills  
Elementary School  
Practice Field

Front Yard Setback (Structure)  
Front Yard Setback (Pavement)  
PROPERTY LINE 14'

Preserve existing evergreen trees

Mix of shade & understory trees along Bedford Road with evergreen trees and shrubs along parking edge for screening

### Key Plan



**BRYNWOOD**

GOLF & COUNTRY CLUB

Source: Hart Howerton Partners, LTD.

**BRYNWOOD**

North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, P.C.

**Landscape Concept Plan  
Bedford Road (South)**

**Exhibit  
I-12**

0 25 50 100'  
1" = 100'

**II. COMMENTS AND RESPONSES**

## A. Land Use and Zoning

### COMMENT A1:

*The proposed Town Code amendments to membership clubs would codify an expansion of uses for membership clubs that will extend beyond the Proposed Action. Specifically, the Applicant is proposing to permit membership clubs to include restaurants, and lodging facilities for use by the general public and members. The Town Board will need to determine the appropriateness of these expanded uses on the subject site as well as at all of the other membership clubs located within the Town of North Castle. It is recommended that this section of the Town Code be revised to include specific limits with respect to the maximum permitted size (potentially using FAR) for each of the proposed uses. The FEIS should include an analysis of all sites that would be affected by the proposed amendments.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

### RESPONSE A1:

Comment noted. The proposed amendments are intended to 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, making the proposed regulations more restrictive than current regulations. The FEIS Introduction (Section I.B) provides a summary of the currently proposed amendments to the Zoning Ordinance, including to the definition of “membership club” and to the special permit regulations for membership clubs, as well the amendments that would create the new “Golf Course Community” Floating Overlay District (see pages I-5 through I-7, Appendix R and S).

### COMMENT A2:

*The proposed Town Code amendments to membership clubs contain a section entitled “Parking.” It is recommended that this section be eliminated since off-street parking is addressed in ARTICLE IX, Off-Street Parking and Loading of the Town Code. It is also noted, that Section 213-45 of the Town Code already contains an off-street parking requirement for golf or country clubs.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

### RESPONSE A2:

Comment noted. The proposed regulation would not change the number of parking spaces required under Section 213-45 of the Town Zoning Ordinance. However, under Section 213-44, parking spaces must be 9 feet wide by 18 feet long, aisles must be 25 feet wide, and compact car spaces are not permitted in



residential districts, including the R-2A District. The proposed regulation is intended to permit more flexibility for parking at membership clubs, which contain some non-residential uses in residential districts.

**COMMENT A3:**

*The Applicant is proposing a new special permit entitled "Golf Course Community;" however, given the fact that the proposed conservation easement has been drafted to permit the discontinuation of the golf course and the preservation of the golf course land as open space, it seems possible that the golf course community could exist without a golf course. If that is ever to be the case, it would appear that the golf course community would be a misnomer. Consideration should be given to revising the name of this special permit or the Applicant should address measures that could ensure the continued operation of the golf club in connection with the residential community. At the very least, the discontinuation of the golf course should trigger an immediate review and amendment to the special permit with respect to the golf course community and potential re-use of the club house.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*The DEIS states the golf course will be owned by the Applicant or a successor for-profit company and that the continued use of the course will be required as part of the required approvals. However, the DEIS also contains language that suggests the golf course could be converted to open space, apparently without the operation of a golf club.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*The safe guarding of the golf course, not just the open space associated with it, must be preserved. If the golf course no longer exists, there is no golf course community. Therefore, the ownership structure of the non-housing components of this plan must be addressed before any approvals are granted. Additionally, there must be guarantees that the golf course and clubhouse will continue to operate as such as long as this zoning is in effect.*

*(Letter #14, Stephen D'Angelo, 8/19/13)*

**RESPONSE A3:**

In response to public comments, the Applicant now proposes a new overlay zoning district in the R-2A District that will permit the residential use, as well as the uses currently permitted in the R-2A District, including membership clubs. The overlay district would be mapped on the portion of the Site that is outside the 100 foot perimeter buffer (see Exhibit I-3, Proposed Zoning).

The proposed amendments to the Town Zoning Ordinance have been revised to more clearly require the recordation by the Applicant of a 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 regardless of whether the affiliated residential community continues to exist. See Response B1 for further discussion of the conservation easement.

**COMMENT A4:**

*The proposed Town Code amendments relating to creating a golf course community contains a section entitled “Design flexibility.” Given the size, location, and uses associated with the golf course community it is recommended that this section be revised so that site plan amendments require the review and approval of the Planning Board.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*The applicant has asked that it be given “certain types of limited design flexibility after site plan approval is granted.” (page I-4). Please be more specific as to what kind of flexibility is contemplated. North Castle has rules in place that govern what can, and cannot, be changed once a site plan has been approved. Is the applicant asking to be exempted from the established rules? If so, to what extent?*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE A4:**

Comment noted. The Applicant has revised the proposed amendments to the Zoning Ordinance to eliminate the design flexibility provision.

**COMMENT A5:**

*The proposed application is consistent with the County Planning Board’s long-range planning policies set forth in **Westchester 2025-Context for County and Municipal Planning and Policies to Guide County Planning**, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in **Patterns for Westchester: The Land and the People**, adopted December 5, 1995. Most notably, the project is consistent with County policies with regards to two major aspects: provision of affordable housing and preservation of open space.*

*(Letter #9, Edward Burroughs, AICP, Westchester County Board, 8/6/13)*

**RESPONSE A5:**

Comments noted. See also responses L1 and L2 regarding affordable housing, and B1 regarding preservation of open space.



**COMMENT A6:**

*This development will require approval as a realty subdivision from this Department in accordance with Article X of the Westchester County Sanitary Code.*

*(Letter #5, Natasha Court, PE, Westchester County Department of Health, 7/16/13)*

**RESPONSE A6:**

Comment noted. The Applicant will comply with Article X of the Westchester County Sanitary Code.

**COMMENT A7:**

*I think that empty nesters deserve a place to go and I think that town planning is best done outside of the applicant's application and that there is a town plan. It was updated. It didn't contemplate this type of development at this site and that if we want to do developments of this nature, we as a community should come together and perhaps place this in a business park, and other spots should consider different types of housing, but we shouldn't do it inside the confines of an application. I think it was a fundamental mistake to take this application into the process without first resolving the zoning. I think it sets us up for future issues. There are plenty other sites in town that can be transformed into condos.*

*(Mike Oestreich, Public Hearing 6/27/13, pages 51-52)*

**RESPONSE A7:**

As described in the DEIS, in Chapter III.A, Land Use Zoning and Public Policy, the Site is zoned R-2A One-Family Residence District, and is used as a membership club, which is a special permit use in the R-2A District. This use has been in place since a special permit was first granted by the Zoning Board of Appeals of the Town in 1961, and the property has been continuously used and operated as a golf and country club since 1964.

The Town's Comprehensive Plan Update, adopted in 1996, with the accompanying Town Development Plan Map updated in 2006, is a statement of the community's goals and policies regarding land use. The Comprehensive Plan Update specifically identifies Canyon Club, the predecessor to 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 Town Development Plan Map, adopted as part of the Comprehensive Plan Update in 2006, designates the Site as "Private Recreation." The surrounding neighborhoods are designated as Semi-Rural Residential Density (<1 DU/AC) and Suburban Residential Density (1-2 DU/AC), with pockets of Private Recreation (Brynwood Golf & Country Club, Armonk Tennis Club, Windmill Club) and Public/Semi-Public uses (Coman Hill School, Byram Hills High School and Congregation B'nai Yisrael of Armonk).



The Town Development Plan Map would therefore need to be amended to reflect the new residential use which is part of the Modified Project. In the Applicant's opinion, the proposed overlay zoning district for the Site addresses the Town's Comprehensive Plan Update, and also promotes the goal that "*The Town should continue to provide the opportunity for a variety of housing types and densities.*" The proposed residential community would introduce a new type of housing to the Town with age-targeted luxury condos and fee simple Golf Cottages designed for and marketed to the empty nester. The surrounding community would remain as low density. Housing choices for empty nesters is a major public policy issue driven by the aging of the baby boom generation.

**COMMENT A8:**

*I think our town board is not doing their due diligence in this particular case. Now we are talking about spot zoning changes. We have the Armonk Tennis Club down the street which would love to see this happen so they could start building.*

(Pete Weiller, Public Hearing 6/27/13, page 52)

**RESPONSE A8:**

Comment noted. The proposed overlay district could only be mapped on property in the R-2A District that meets all of the standards of the overlay zone. These requirements include having an aggregate minimum area of 150 acres, at least 1,000 feet of frontage on, and directly access from a State highway, and an existing 18 hole golf course, making it inapplicable to the Armonk Tennis Club, or to any other site in the Town. Under applicable case law, "spot zoning" occurs when a small parcel of land is singled out for a use classification totally different than the surrounding area, and the adopting municipality has enacted the zoning without consideration of relevant land use planning factors. Here, the proposed use is already permitted on the affected land: clustered, attached single-family residences are a permitted use in the R2A District under existing provisions of the Town Zoning Ordinance. Even if that wasn't the case, the proposed attached single-family homes are not a "totally different" use than the unattached single-family homes in the surrounding area, and land use planning factors have been given thorough consideration, as demonstrated in this EIS. See Appendix R for proposed zoning amendments. See Response A7.

**COMMENT A9:**

*There was something I think was mentioned back in the November [SEQR] hearing, that if I remember correctly, there are existing state or local laws, whether it be county, town, I am not sure, that give a guideline for open space, for a certain amount of open space that the town gets, how much density a developer would get from zoning. We need to understand that in the DEIS and the public should know that.*

(Stuart Kovensky, Public Hearing 6/27/13, pages 23-24)



**RESPONSE A9:**

The Applicant is not aware of any State or County laws requiring a minimum amount of open space. The Town's conservation subdivision regulations (Section 213-25 of the Zoning Ordinance) require open space to be set aside, but do not specify any minimum size of the open space area.

**COMMENT A10:**

*The Town Board has to look at how did this project affect the entire Town of North Castle? Not just one road, not just one little area, but what is the impact on the entire town? Is it good for the entire town or isn't it? That is the only decision they should be looking at right now.*

*(Tony Futia, Public Hearing 6/27/13, page 78)*

*Look at the whole picture of the town. That's a big development to put up there.*

*(Mario Ruggiero, Public Hearing 7/10/13, page 153)*

**RESPONSE A10:**

Comment noted. See also response to comment A7.

**COMMENT A11:**

*The DEIS on page II-22 implies that Brynwood and predecessor Canyon Club, have operated as a not for profit membership club. This is not true. The present owners, the applicant and Mitsubishi Corp. before that, of the club in fact [do/did not] not operate as a member owned club. The DEIS should be corrected.*

*(Letter #14, Stephen D'Angelo, 8/19/13)*

**RESPONSE A11:**

Section 213-3 of the Town Zoning Ordinance provides that “a ‘membership club’ shall not be operated primarily for profit.” Under Section 213-33(l)(5) of the Zoning Ordinance, the not-for-profit membership club can be either the owner or lessee of the property. Brynwood Golf & Country Club is not a “member owned” club. However, the company that leases the property from the Applicant and operates the Club is



a not-for-profit corporation, as required by the Zoning Ordinance. The Applicant has indicated that this is the same ownership/operation structure that Mitsubishi utilized for the Canyon Club. In the future, the Applicant intends to operate the Club as a for-profit enterprise, which it believes is necessary to best ensure its success.

As described in FEIS Section I, Introduction and Project Summary, 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. Specifically, the current club models – equity membership clubs and stand-alone privately owned clubs – are risky propositions for their members and owners and have significant financial risks. Under the Applicant’s model, these risks are mitigated through the support of the Club by year-round residents, who contribute revenue toward continued operations of the Club during the off-season, thereby making the Club a viable year-round operation. Under this application, 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.

To permit this business model as well as the more traditional model (in which a club property typically is owned by a for-profit entity and is leased to a not-for-profit “membership” corporation), the Applicant proposes that the definition of “membership club” in Section 213-3 of the Zoning Ordinance be replaced with the definition in Section 1 of the proposed local law in Appendix R of this FEIS.

**COMMENT A12:**

*The proposed zoning text amendment must be modified to reflect the conservation easement.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

**RESPONSE A12:**

The Applicant would record a conservation easement in favor of the Town that 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. The proposed overlay zoning district would require the recordation of the conservation easement.

See Response B1 for further discussion of the conservation easement, Appendix R for the proposed zoning amendments, and Appendix S for the proposed conservation easement.



**COMMENT A13:**

*DEIS fails to address requirements on Page 11 of Scoping Document that justification should be provided for “needs and benefits not supported by the Town’s comprehensive plan.”*

*Page III-5 of the DEIS cites the following goals set forth in the Comprehensive Plan but does not provide adequate justifications for why its proposed project deviates from them:*

- *Housing densities should be concentrated in the hamlet centers;*
- *Certain areas of Armonk, including Windmill Farms, should continue to retain their low-density residential, open and scenic character.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

**RESPONSE A13:**

Regarding the goal that “Housing densities should be concentrated in hamlet centers”, it is noted that while the proposed housing would not be located in a hamlet center, it would be affiliated with an adjoining private country club, thereby ensuring direct access to open space, recreation, special events and a restaurant. This achieves some of the benefits of locating higher density within a hamlet center, but within a private setting.

The Comprehensive Plan Update contains the goal that “The Town should continue to provide the opportunity for a variety of housing types and densities.” The proposed golf course community would introduce a new type of housing to the Town with age-targeted luxury condominiums and fee simple Golf Cottages designed and marketed to empty nest buyers. Housing choices for empty nesters is a major public policy issue driven by the aging of the baby boom generation.

The surrounding community would remain as low density one to two acre zoning and Windmill Farms would continue to retain its low density, rural and scenic character. Directly across Bedford Road from Windmill Farms, the Modified Project includes five Golf Cottages, which are detached single family homes similar to the single family homes that abut Bedford Road in Windmill Farms. The proposed cottages will be separated from Bedford Road by a 100 foot landscaped buffer.

Another goal of the Comprehensive Plan Update is permanent preservation of private open space, such as Canyon Club (now Brynwood Golf & Country Club). However, given the Applicant’s objectives, the preservation actions identified in the Comprehensive Plan would not achieve the preservation of the existing golf course, which would be preserved as part of the Modified Project.



See also Comment A5, which references the Westchester County Planning Department letter stating that “most notably, the project is consistent with County policies with regards to two major aspects: provision of affordable housing and preservation of open space.”

**COMMENT A14:**

Existing Environmental Conditions, Anticipated Impacts and Mitigation *“This impact will be mitigated in part through the addition of a landscaped buffer between the proposed housing units and Bedford Road/Rte. 22”. However, the Brynwood Petition Zone Text Amendment requests a Code change that would reduce the present 25 ft. requirement for a landscape buffer.*

*Explain how a reduction in the 25 ft. landscape buffer could be considered mitigation.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**BRYNWOOD PETITION PROPOSED ZONE TEXT AMENDMENT**

*IV. (1) Amend Section 213-33.I - - - uses are developed and managed so as to protect the quality of environment and the property values of adjacent and nearby residential areas.*

*(3) Buffer area. A landscape 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, except a lot line adjoining a golf course community.*

*The proposed Golf Course Community will impact adjacent residences with the existing minimum 25 ft. buffer. The requirement for a 25 ft. minimum buffer should not be reduced but expanded.*

*Eliminate the proposed text amendment to reduce the current minimum buffer width to below 25 feet adjacent to residential districts including across a street. An expansion of a buffer adjacent to a Golf Course Community should be considered.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE A14:**

Comment noted. The proposed 100-foot buffer along the perimeter of the Site would provide a larger buffer between the Club and golf course community and homes adjoining the Site, and located across Bedford Road.



**COMMENT A15:**

*Surrounding Land Use* The two town park parcels on Willow Pond Road are shown on Exhibit III.L-3 but are omitted on Exhibit III.A-1. Include both park parcels on Exhibit III.A-1.

(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)

**RESPONSE A15:**

The exhibit has been revised and is included as FEIS Exhibit II.A-1.

**COMMENT A16:**

*V. Amend Section 213-33 to add a new subsection U as follows:*

*U. Golf Course Community*

*8(b) "The golf club of the affiliated membership club functions as the open space for the golf course community, and preservation of that open space is the basis for the permitted density of a golf course community. - - the property which as of the date of development plan approval of the golf course community is subject to the membership club special permit shall be used solely for a membership club in accordance with the requirements of 213-33.1 of this chapter, as may be amended from time to time, and the portion of the property on which the golf course is located shall either be maintained as a golf course or otherwise as open space. The declaration of covenants shall be in form and substance reasonably acceptable to the Town Attorney".*

*Does this translate to: If the corporation fails or exits a month or a year or sometime after completion of a portion or all of the development, the golf course can revert to developable land in addition to any housing already approved?*

*If the alternative of a golf course is "otherwise as open space", what entity will be responsible for the open space or will it become fallow and become naturalized woodland?*

*The various proposals to rezone residential areas far beyond the existing zoning at the time of purchase to accommodate a perceived bounty is very troublesome. These proposed actions may have consequences on lands throughout the town.*

(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)



**RESPONSE A16:**

Comment noted. In response to comments, the Applicant has revised the proposed amendments to the Zoning Ordinance to require the recordation of a conservation easement that 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. The golf course would continue to be privately owned, and would be maintained in accordance with all applicable property maintenance laws, although nothing would prevent it from becoming fallow. See Appendices R and S for proposed zoning amendments and conservation easement.

**COMMENT A17:**

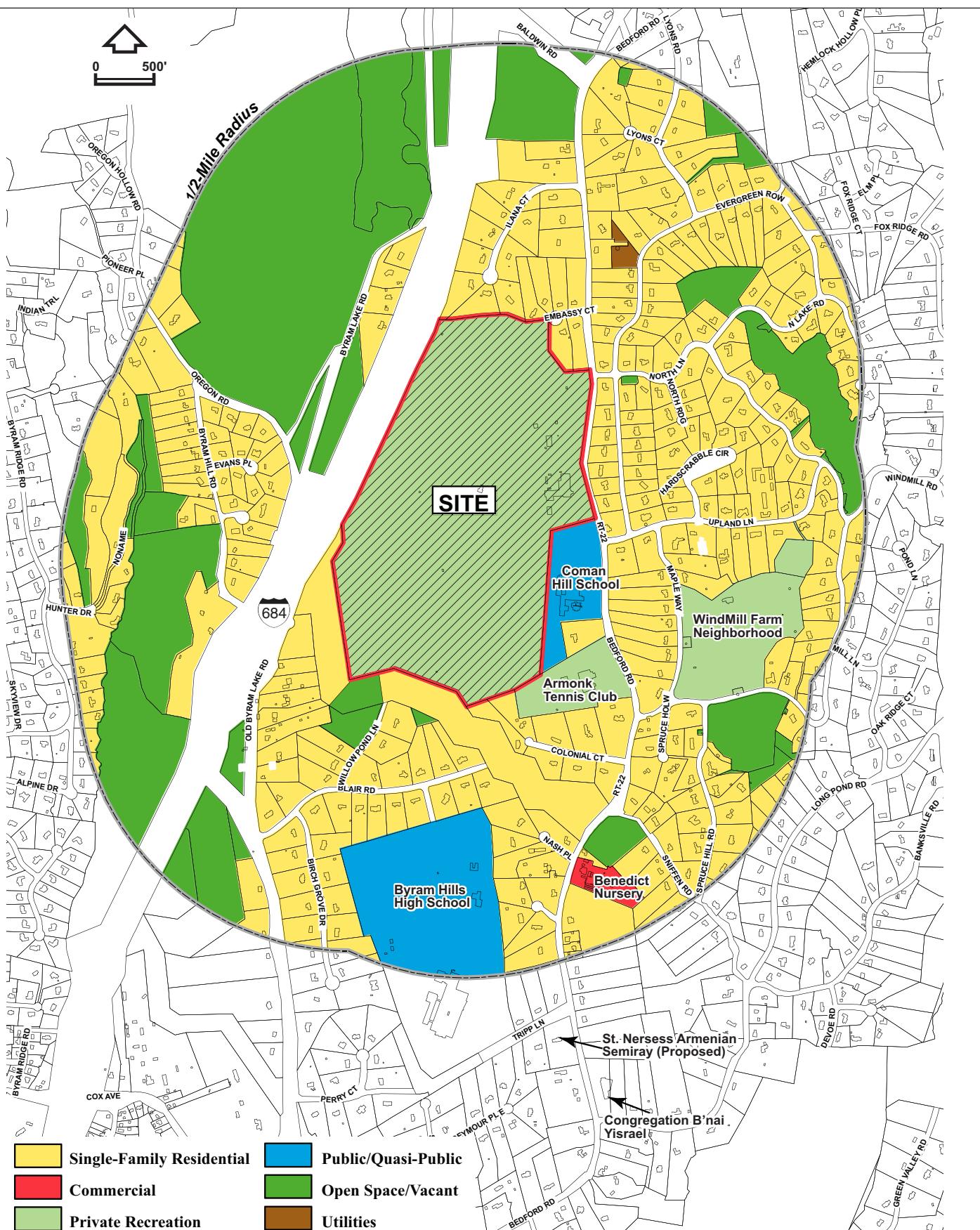
*The applicant represents that its proposed residential use will “be consistent with existing residential uses in the surrounding area” (page I-4). How is this representation justified?*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE A17:**

In response to comments, the Modified Project provides a 100 foot buffer along Bedford Road and replaces the seven previously proposed 2 unit duplex “Club Villa” buildings with five smaller, and lower, detached single family “Golf Cottages.” These single family homes would be similar in scale and character to the single family homes in Windmill Farms. The proposed 100 foot wide landscaped buffer and stone walls along Bedford Road would be in character with the frontage of the Windmill Farms neighborhood on the opposite side of the street. Additional landscaping would be also be added to supplement the buffer. (See landscape Exhibits I-7 through I-12.)





Source: Geographic Information Systems Clearinghouse

**BRYNWOOD**  
North Castle, New York

Surrounding Land Use

Exhibit  
**II.A-1**

## B. Open Space/Conservation Easement

### COMMENT B1:

*The Applicant should include a draft of the proposed amendments to the conservation easement language as discussed previously with the Town Board.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*The Applicant should submit a draft of all covenants and deed restrictions proposed for the project.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

### RESPONSE B1:

The revised amendments to the Zoning Ordinance and the draft form of conservation easement are included in FEIS Appendices R and S. Because it isn't yet known what other restrictions on the use of the Site, if any, would be appropriate, drafts of any required covenants or easements would be submitted to the Town in connection with site plan review.

### COMMENT B2:

*The preservation of open space is another major policy goal of Westchester 2025. Brynwood Golf and Country Club, as a privately owned open space subject to 2-acre zoning, is susceptible to being subdivided and developed should the country club cease operations. It is known that socio-economic changes, as well as changes in tastes for recreational activities, are part of an ongoing trend that has weakened the viability of many privately owned country clubs under traditional ownership models and led to the placement of new uses on golf course properties. This trend can have major implications on open space protection. Although privately owned, golf courses maintain areas of open space character and provide some benefits of open space.*

*The applicants have recognized that by changing the model of how this club can operate, the viability of the club may be assured, continuing the open space benefits. These benefits would not be achieved if the site were to be subdivided into lots for 49 single-family dwellings, as considered in the draft EIS alternatives section.*

*(Letter #9, Edward Burroughs, AICP, Westchester County Board, 8/6/13)*



**RESPONSE B2:**

Comment noted. The Modified Project would ensure the preservation of approximately 141 acres of open space. See Response B1 regarding the conservation easement.

**COMMENT B3:**

*The county has many fine clubs and courses, but like others, I have chosen Brynwood, it's a terrific place. It is a unique property and one that definitely will not be replaced if lost to a single home development. It would be a devastating loss to all of Westchester County, not simply North Castle. The economic activity of this club will be lost to other facilities in the county and those communities.*

*This development plan will not only preserve the special green space but make it even greater for future generations. As I said, if we lose this golf course, nobody will replace it. That would be a tragic comment on the collective stewardship of this great land and our obligations as county residents.*

*(Chris Fugazi, Public Hearing 6/27/13, pages 65-66)*

**RESPONSE B3:**

Comment noted.

**COMMENT B4:**

*When the board accepted this petition for rezoning in the fall, Supervisor Arden was adamant that the one thing his approval hinged on was the protection in perpetuity of all the Brynwood property other than the piece of property on which the improved structures were built. However, the DEIS as it stands now is so loosely worded, that it offers no such protection. This project should not move forward until the section regarding the conservation easement is worded so carefully that it protects the land accordingly. In addition, the DEIS should state and the board should require that a third party is required to monitor all of that land and insure that it remains permanently open space in perpetuity because it does nothing of the kind right now.*

*(Jan Bernstein, Public Hearing 6/27/13, pages 44-45)*

*The DEIS must be changed to reflect the Applicant's promise to the Lead Agency to put a conservation easement not a deed restriction on the open space on the site. The specific terms of the conservation easement must be detailed and the third party that will hold the easement must be identified.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*



*The DEIS now contains references in several places to place a conservation easement or deed restriction on the property to protect the open space. However, it does not elaborate on the specific terms of the conservation easement and who specifically will hold it. Furthermore, and what is of greater cause for concern, is while the DEIS now mentions the conservation easement, the proposed zoning text amendment has not been modified to reflect the conservation easement that Mr. Weingarten promised the town board on videotape at the start of this process on September 22. When you look at the actual words they proposed to amend the code with, they are not protecting it forever but only for so as long as the golf course community exists. Under their proposed language, if the golf course ceases to exist, protection of the golf course goes away, and they can attempt to develop the remaining 141 acres, in addition to the 88 homes on the 14 acres they will have already built. It is time to make the language match what the applicant promised in September.*

(Kerri Kazak, North Castle Open Space Committee, Public Hearing 6/27/13, pages 70-71)

*The language in their easement is very loose. I know the Supervisor particularly noted that the easement language is very important to him. I don't think it would be terribly difficult to fix the easement language yet but I don't believe it has been fixed. When I last read it, I believe it said essentially if the golf course was still not in operation that the conservation easement would no longer be in effect or something along that line. That is not a very solid easement, it's not something you can rely on. I think one of the important points here is if you are going to give them any kind of increase, any kind of density bonus, one of the important points was ensuring that they can't come back in five or ten years or some other owner of the property can't come back at a later point and easily get more development rights on the property and be able to build more.*

(Pete Coviello, Public Hearing 7/10/13, pages 13-14)

*The Brynwood people agreed to protect the golf course from any subsequent development. The DEIS seems to be a little vague in how that's going to be handled.*

(Ed Woodyard, Public Hearing 7/10/13, page 19)

*The conservation has to be done in a much stronger way to guarantee that this never gets built on again. It's very exciting to hear all the positive information that comes out. I'm sure it will be beautiful. But I would like someone to back this up with something other than promises.*

(Peter Weiller, Public Hearing 7/10/13, pages 82-83)

#### **RESPONSE B4:**

Comments noted. The proposed amendments to the Town Zoning Ordinance have been revised to more clearly require the recordation by the Applicant of a 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, regardless of whether the affiliated residential community continues to exist. See Appendices R and S of this FEIS.



**COMMENT B5:**

*II-10 d) Golf Course – “for so long as the affiliated golf course community exists, the club property shall be used solely for a membership club...and the portion of the site on which the golf course is located shall be maintained either as a golf course or otherwise as open space...” Please explain what this means. What happens in this scenario if golf residences are never built? Would the conservation easement never exist?*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

**RESPONSE B5:**

See Response B4. Recordation of the conservation easement would be a condition of the first building permit issued for construction of the first residence of the Modified Project. Therefore, if none of the residences are built, there would be no conservation easement.

**COMMENT B6:**

*Applicant has not addressed requirement on P. 32 of Scoping Document to discuss opportunities for public access to the site in conjunction with a conservation easement.*

- *In contrast to Scoping requirement, P. III.L-10 of DEIS states that there will be “no public access” to any of the open space on the property.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

**RESPONSE B6:**

The scoping document does not require the Applicant to provide public access to its private property. The Applicant has advised that there would not be public access to the Site.

**COMMENT B7:**

*The DEIS does not sufficiently protect the open space that is the basis for this clustered development. Both Supervisor Arden and the petitioner have agreed that a conservation easement will ensure that all of the land that is not developed as part of the current proposal will remain open space in perpetuity. The DEIS does not reflect this understanding and this project should not move forward until the conservation easement protects the land accordingly. In addition, a third party should be required to monitor the land and ensure that it remains permanently open space.*

*(Letter #21, Jan Bernstein, ROWI, 8/20/13)*



**RESPONSE B7:**

See Responses B4 and B5. The proposed holder of the conservation easement is the Town of North Castle. In the Applicant's opinion, the Town is best suited to hold and enforce the conservation easement, given that the easement area may continue to be used for a golf course and related uses as permitted from time to time under Town issued land use approvals.

Note that the proposed residential community is not a clustered "conservation subdivision" under the Town Zoning Ordinance.



## C. Socioeconomic / Fiscal Resources

### COMMENT C1:

*I know if there are new condominiums and there is more tax revenue, there will be more people to spend more money and that will support our local businesses.*

*(Edward Goldin, Public Hearing 6/27/13, page 68)*

*Then you have the golf course and value of the taxes, the jobs for the people who will do the work to build it, the people that will run the course and you get the benefit of the course itself, the new clubhouse.*

*(Joe Paresi, Public Hearing 7/10/13, page 77)*

*It should move forward. I think we need it. I think the retail stores in town need it and I think the income that it would generate with the taxes and with the people moving in with higher income is a plus.*

*(Jeff Wenig, Public Hearing 7/10/13, pages 103-104)*

### RESPONSE C1:

Comments noted. See DEIS Chapter III.N, Socioeconomic/Fiscal Resources for analysis of potential fiscal impacts and anticipated benefit to local businesses. FEIS Chapter I. Introduction and Project Summary provides updated estimates of the anticipated revenues to the Town, Byram Hills School District, and County.

For the School District, the estimated revenue is approximately \$1,740,814 per year, far exceeding the cost to educate the 9 to 17 school children that would likely be generated.

DEIS Chapter III.N 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. Golf season is typically April through October with peak employment during June, July and August. Summer jobs would continue to be made available to Armonk youth. Brynwood is known at Byram Hills High School as an employer, and hires interns in the spring and paid employees during the summer as camp counselors, lifeguards, golf staff and food and beverage staff. 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.



**COMMENT C2:**

*Overall, a quality golf course is going to make my house worth more. Drawing people over there is going to make our homes worth more.*

*(Stuart Fraser, Public Hearing 7/10/13, page 32)*

*If North Castle intends to be an up-scale community with rising real estate values, it must provide more than just high quality schools. You must prescribe amenities like Scarsdale and Greenwich. We must keep up everything with those villages and towns to be able to get the prices of the houses that we all expect and the values we expect and the services we expect. Losing one of only two country clubs in town is exactly the wrong thing to do.*

*A golf community designed for empty nesters will attract and raise the value of your homes. There will be modern homes with modern proportions and they will be technologically and energy efficient homes. Having a beautiful country club close by is nothing but a plus to your neighborhood.*

*(Alan Cohen, Public Hearing 7/10/13, pages 38-44)*

*The most important part [of creating golf course communities] is they are not only successful ventures for their developers, but they do create value to the surrounding community. And that is fundamental to creating some place that works in the future. So we set out to do that. We thought about what's the right mix of real estate that we could put here. What are the right kinds of real estate? One of the things I found, I'm getting a chance to work with some of the best active adult developers in the country and to think about those types of units and facilities. We knew right from the beginning that we didn't want to create another subdivision here. We didn't want to just add a bunch of big houses that competed directly with your houses across the street and the surrounding community. That is the one way we could assure we would decrease the real estate value in the surrounding area, because we would create homes that were in direct competition with yours. So we set out and said what can we do? How can we make this work? We've designed this specifically for the active adult market. And that's a very unique market. We've incorporated all the things that we know. And when we talk about room count, the key is the configuration of those rooms within the buildings. So what we did was create smaller units, but units that are still comfortable for people to down size and move into.*

*(Jim Tinson, Public Hearing 7/10/13, pages 67-68)*

*[The project] is going to appreciate the value of Windmill significantly.*

*(Joe Paresi, Public Hearing 7/10/13, page 77-78)*



**RESPONSE C2:**

Comments noted.

**COMMENT C3:**

*Approving the plan will generate over one million dollars annually for our schools, with few, if any, school children. One million dollars a year of recurring cash flow to the school system is equivalent to a twenty million dollar gift or endowment. We need that money. We need that money to survive. The alternative is 49 single family homes which will generate easily seventy-five school children and cost the schools far more than they could ever collect in taxes.*

*As a taxpayer in North Castle I support the condominium ownership structure as it will result in a much better net result. You care about the net, you don't care about the gross. The gross collections may be roughly comparable to the single family home subdivision but the net result to the Town and school is much better under the condo plan.*

*We can't lose sight that the club itself is a taxpayer. The condo owners will be directly paying into the form of dues, therefore generating additional taxes. Additional taxes means our taxes could be lowered. I'm sure if you did the numbers you would see the difference between condo and fee simple is much smaller if you think you take into consideration the club's taxes.*

(Alan Cohen, Public Hearing 7/10/13, page 39-46)

*We will gain taxes from the condos. They might not be what they are for the homeowners but then again the condos will also pay taxes for school tax and I guarantee to you empty nesters will not have as many school children as 49 homes which will be probably two to three children per house and which will certainly add to the school district more children and busier traffic.*

(Vicki Schott, Public Hearing 7/10/13, page 61)

**RESPONSE C3:**

Comments noted. Also, see Responses C4 and C6.

**COMMENT C4:**

*The law in New York State is inequitable. It allows condominiums and co-ops to be taxed as rental apartments, not based upon their market value but based upon the yield as a rental unit. It is unfair, but it is the law and just as anybody might take advantage of other inequities in the law, I think that the developer in*



*this case has every right to take advantage of this. It should not be held against them. I think that the town should look at the fiscal impact in its totality and not get hung up as to whether it is unfair for them to be taxed as a condominium rather than as a fee simple owner.*

*(Ed Lashins, Public Hearing 6/27/13, pages 79-80)*

*The tax concerns regarding lower tax rates for condominiums versus individual house rates is quite irrelevant. Brynwood has nothing to do with establishing that law.*

*(Jeffrey Stein, Public Hearing 7/10/13, page 59)*

*Now there's been talk about fairness, particularly with regard to the tax issue. Well, what's fair? The law is not fair. If you don't like what the law says, get the law changed. The people who are going to buy the condominiums, they know their real estate taxes are lower. Why? Because they're making a conscious choice. The person buying the house that the empty nester is going to sell is going to make a choice to pay a higher rate of tax because they may be getting more, a yard, a pool, a five or six or seven bedroom house, a five or six thousand square foot house. They are making the choice. There's nothing wrong with that. That is the way things are.*

*(Steve Buschel, Public Hearing 7/10/13, pages 90-92)*

#### **RESPONSE C4:**

Comments noted. Taxation of condominiums – and of fee simple homes and commercial uses – is governed by State law. The Town has no legal authority to assess the value of, and tax, property differently than required under State law.

The Applicant has agreed that the ten proposed Golf Cottages would be fee simple homes, thereby paying the same taxes as single-family homes in North Castle. Further, the Applicant acknowledges the potential inequity that results from the disparity between condominium and fee simple taxation under State law, but has no power to change the law. Nevertheless, because the condominiums are likely over time to require the same types of municipal services as any other homes in the Town, and because the Applicant proposes to develop attached condominium residences as opposed to fee simple townhomes to meet its own business goals and objectives, rather than any Town objective, the Applicant has agreed, for itself and the condominium association that will be its successor, to address the taxation disparity and mitigate any adverse fiscal impacts on the Town and the Byram Hills School District by making an annual payment to the Town and School District equal to the difference between the amount paid as condominiums and the amount that would have been paid if the same units were owned and taxed as fee simple residences. Also, see Responses C4 and C6 and section I, Introduction.



**COMMENT C5:**

*Empty nesters we heard from just this evening said they won't be here half the year. So maybe taking half the taxes is reasonable for somebody here only half the year.*

*(Edward Goldin, Public Hearing 6/27/13, page 67)*

**RESPONSE C5:**

Comment noted.

**COMMENT C6:**

*What is so clearly troubling about this project is that the developer is not only asking for the taxation of the owners that buy these units to be different than everybody else in this town. We all pay one rate, but the people who buy these units get half off. That seems to me to be blatantly unfair. I don't understand why we are spending so much time on something where the taxation is that different. We all pay the same thing right now. Why should it be any different?*

*I don't see an explanation here about why it needs to be condos, but I did find something very deep in the DEIS which simplifies it for us. I will read it verbatim. This was in the marketing analysis. "Condominiums are more attractive than fee simple units to households, particularly seniors looking for a lifestyle product because they are taxed at an approximately half the regular rate." Everybody loves half off. Why are they doing this? Obviously, to make more profit. There is nothing wrong with that, but that is potentially at the town's expense and you, the town board, have the power to make sure that this project is right for the rest of the residents in town. That is what we are asking you to do.*

*The taxes in these condos are lower by half. That leaves room in a monthly payment for some of it that would normally go toward taxes to go toward club dues and maintenance, which makes the golf course potentially economically viable where the developer can attract and demand still very high prices for the units. So it is profitable for the developer and it allows the golf course to stay open because it is being subsidized. The way it is being subsidized is because they are paying half the taxes than the rest of us. That should be considered by the town board and analyzed in the DEIS.*

*The developer is asking for a change in their favor in terms of zoning, density and taxation. They get the right to sell more units at much higher prices because they are condos and are taxed by 50 percent less than the rest of us pay. We get more crowded roads, the risk our schools, less tax revenue when our budgets are extremely strained.*

*(Stuart Kovensky, Public Hearing 6/27/13, pages 20-36)*



*I am not in favor of a project that has the connotation of condominium. Condominium to me is not something that you find in a suburban area, like North Castle. It is something that you find in White Plains where you have the apartment structure, but I don't believe it is the right thing to do in the Town of North Castle because really what a condominium is, is nothing more than small apartment houses and you can make the apartments within those apartment houses as large as you want to. I am not so sure that is the character that we want in our community. Primarily, a condominium pays -- I don't think it is 50 percent of the real tax, it is about 40 percent. So here is my real concern that should be concerning to every homeowner in this community.*

(Michael Ferrari, Public Hearing 6/27/13, page 39)

*The town is throwing away 50 percent of potential tax revenue that could potentially derive for condos rather than fee simple homes, and while the developer might argue this is the best interests of those residing there, and definitely in their best financial interests, it is not in the best interest of all the taxpayers in the town, which, other than the old school property, pay 100 percent of the taxes.*

(Jan Bernstein, Public Hearing 6/27/13, pages 43-44)

*I think the tax treatment is pretty much unknown. They are saying condominium tax treatment. It seems astonishing that that would be granted. Maybe it's being considered. I don't see the reason or benefit for it.*

(Pete Coviello, Public Hearing 7/10/13, pages 12-13)

*I don't understand why any person called an empty nester should get lower taxes. I think it's just giving something very nice to the developers which I'm not getting and other people are not getting and I don't consider that a fair tax burden for the Town.*

(Peter Weiller, Public Hearing 7/10/13, pages 82-83)

*I think the condo form of ownership is inappropriate for the site and probably for this community.*

(Mike Oestreich, Public Hearing 6/27/13, pages 51-52)

#### **RESPONSE C6:**

Comments noted. See Response C4. The Applicant is not “asking” for condominium taxation. The Applicant is proposing a residential land use, and has stated that it intends to make the residences (except the 10 Golf Cottages) condominiums in accordance with applicable State law. The Town has the legal authority to regulate the uses of land through zoning regulations, but no municipality has the authority under State law to impose the form of ownership of land. Nevertheless, because the condominiums are likely over time to require some of the same types of municipal services as any other homes in the Town, and because the Applicant proposes to develop attached condominium residences as opposed to fee simple townhomes to meet its business goals and objectives, the Applicant has agreed, for itself and the condominium association



that will be its successor, to address the taxation disparity and mitigate any adverse fiscal impacts on the Town and the Byram Hills School District by making an annual Mitigation Payment to the Town and School District equal to the difference between the amount paid as condominiums and the amount that would have been paid if the same units were owned and taxed as fee simple. With the Mitigation Payment, the Modified Project is anticipated to generate approximately \$2,598,230 in tax and Mitigation Payment revenue. Note that FEIS Alternative 1, which includes fewer market rate units, would generate approximately \$2,417,308 in property tax and Mitigation Payment.

The costs to service the Modified Project would be far less than a single family subdivision. Roads would be private, with maintenance and snow plowing performed by the condominium association, at no cost to the Town. Recreation facilities, including golf, tennis and swimming, would be provided on-site, minimizing Town costs to provide recreation for project residents. There would be few school age children anticipated from the age-targeted, condominium households, resulting in significant new revenues for the Byram Hills School District, far in excess of the cost to educate new students. See DEIS Chapters III.N, and III.L.

The Applicant's opinion is that condominiums are favored by empty nesters and retirees, particularly the proposed, one level, apartment flats. The North Castle single family homebuyer is much more likely to be interested in a fee simple single family home, with its own backyard.

#### **COMMENT C7:**

*Page III.L-14 of the DEIS states "Annual property taxes from the Project to the Armonk Fire Department would exceed current taxes."*

*The letter from Armonk Fire Department dated February 22, 2013 (see Appendix B in the DEIS) states "The additional calls will cause an increase in fuel consumption for the vehicles and additional costs associated with medical supplies. It is hoped that the tax revenues received from the site would offset these costs."*

*There is no breakdown for Armonk Fire Department (North Castle Fire District 2) in the DEIS for estimated tax. The Fire Department is included in "County and Other Districts."*

*(Letter #1, Bruce Wuebber, North Castle Fire District No. 2, 6/14/13)*

#### **RESPONSE C7:**

Of the \$275,671 in property tax revenue from the Site in 2013, \$4,651 (1.7%) was paid to Fire District 2. Assuming that same proportion, the estimated \$2,598,230 in anticipated annual taxes from the Modified Project would yield \$44,170 per year for the Fire District, an increase of \$39,591 annually.



**COMMENT C8:**

*I think we need to get some more answers and some more information on the economics of the golf club and golf course because that is a substantial economic driver. They are saying \$1.5 million in taxes will be generated from this development; \$500,000 of that comes from just the golf course operation. Interestingly, in their previous analyses, that number was over \$800,000. So before they even started building, it is down by \$300,000. We need to get more information about that because just as Mr. Weingarten said earlier, golf course economics are strained. We have local private clubs closing down, but yet, here we are counting on \$500,000 a year coming from a golf club that might be unprofitable and it is all really unprofitable today. So here, all of a sudden, we have to believe that is going to become profitable and there is no analysis in here to walk us through that and make us comfortable, and I think we need to expand on that.*

*As I mentioned before, if these units wind up getting sold to people other than empty nesters, all of a sudden, the model that they present starts to go haywire. That is going to cost us, the residents of this town, potentially a lot of money. It already is if you approve it as condominiums. Let me walk through a couple different ways. I mentioned before, what if there is no clubhouse? All of sudden, \$500,000 of tax revenue is gone, poof.*

*(Stuart Kovensky, Public Hearing 6/27/13, pages 23 and 26)*

*One of the things I want to say is, over the past 25 years, what has happened with the town -- and I am surprised Mike said what he did, is you had a bowling alley in locations that were very valuable that turned into a zero tax base.*

*(Bruce Wenig, Public Hearing 6/27/13, page 63-64)*

**RESPONSE C8:**

The Applicant paid \$275,671 in property taxes in 2013 (see page III.N-1 in the DEIS) and approximately \$236,000 in 2014, which is not based on whether or not the Club was profitable. After renovation of the golf course and clubhouse, it is assumed that the market value for the Club will increase to approximately \$18,000,000. This increase in market value would require the Applicant to pay approximately \$360,000 annually in property taxes for the Club.

To ensure that there are no adverse fiscal impacts from the Modified Project, the ten Golf Cottages will be fee simple properties and the condominium association will make an annual Mitigation Payment to the Town and School District equal to the difference between the amount paid as condominiums and the amount that would have been paid if the same units were owned and taxed as fee simple.



**COMMENT C9:**

*Has the Town done some financial analysis on the tax projection that the developer is putting forward in the DEIS? If so, that should be shared with the public. In the DEIS, they mention the Town might use a different capitalization rate to come up with what the tax numbers should be, which leads me to believe the Town probably has done this analysis. I think in fairness to all the Town residents, we should be able to see that and see if it agrees with the developer's estimates on what the tax revenue would be.*

*(Stuart Kovensky, Public Hearing 6/27/13, pages 24-25)*

*We need to know what the actual taxes paid by these new owners will be, it is one of the things we need to find out from the board. There are so many numbers thrown around that we don't know what the actual numbers are.*

*(Edward Goldin, Public Hearing 6/27/13, page 67)*

**RESPONSE C9:**

The DEIS includes tax estimates based on standard methodologies and the assumptions described in DEIS Chapter III.N. The Applicant consulted the Town Tax Assessor regarding the methodology and assumptions used in the analysis. The actual assessed values (and the resulting taxes) would be determined by the Assessor in accordance with State law as of each yearly "taxable status date," same as all other property in the Town. The Assessor would be able to project assessed values with greater certainty once construction plans for the improvements are submitted with an application for a building permit.

**COMMENT C10:**

*Their comparison of the condo scenarios versus fee simple requires more detail. Their analysis makes it look like their plan generates strong tax revenue versus the fee simple alternative, but there are a number of assumptions made that we can't see. For instance, the selling price and size of the home in those fee simple alternatives is not given. We can derive it and when we do that derivation, we start to look at it and say, maybe the number they are using is a little too conservative. Here is my example: In the 49-home alternative they use, doing it as an R2A subdivision, they say they will generate \$1.47 million in taxes. That would be about maybe -- if you divide that \$1.47 million by 2 percent, you get to about \$73.5 million of assessed value. Divide that by 49 homes and you get to \$1.5 million per home. In this town, a brand new home that is four or five bedrooms on two acres is probably going to sell for more than that. It could be on more than two acres. Again, they don't lay that out. We need to see those assumptions to understand the analysis.*

*(Stuart Kovensky, Public Hearing 6/27/13, pages 28-29)*



**RESPONSE C10:**

The DEIS provides estimated market values for the three fee simple ownership alternatives (Alternatives 2 and 3, which are 49-lot subdivisions, and Alternative 4, which is 69 fee simple townhomes). See DEIS Chapter IV, Alternatives. The DEIS also includes a hypothetical fee simple ownership scenario, starting on page III.N-9 in the Socioeconomic/Fiscal Resources chapter.

As noted in the DEIS, the assumed prices of the residences in the single family home and the townhome alternatives was provided by Houlihan Lawrence, the leading real estate broker in the area.

**COMMENT C11:**

*How will this development impact other people's home values?*

*(Stuart Kovensky, Public Hearing 6/27/13, page 29)*

*Now, I turn around and take a look at the properties that are closest to it which is Windmill and that concerns me because if you have those houses there that are older and let's say the houses are \$1 million houses and let's say they are paying \$20,000 in taxes and now you have a new house across the street at \$2 million paying \$17,000 in taxes, it makes the houses at Windmill not as desirable as if they were paying the full quote. That is a concern that I really think has to be studied.*

*(Michael Ferrari, Public Hearing 6/27/13, page 40)*

*Why should the Brynwood homeowners be entitled to a 50 percent tax break? It will only hurt the value of other homes in Armonk. Why would you buy a home in Whippoorwill Hills or Cider Mill when you basically have a similar property, often the same size, yet it is 50 percent more taxes? It doesn't make sense. This is not a local problem. This is a problem for all of North Castle. It will devalue everybody's property values.*

*(Jan Bernstein, Public Hearing 6/27/13, page 44)*

**RESPONSE C11:**

The condominium residences would differ from the typical single-family home in the Town of North Castle. Although comparable in size, over 85% of the condominium units would contain only two bedrooms, making them more attractive to "empty nesters" than to families. Further, the units do not offer the type of privacy afforded by a single-family home on its own lot. The condominium units would have shared building entrances, lobbies, hallways, walls, outdoor space and/or parking facilities. These features are an acceptable trade-off to people who wish to own a home without the maintenance burden, but would not be expected to be acceptable to families with children. Residents of the proposed units would also be required to be members of the Club, a feature that would distinguish the residences from all other homes in North Castle.



Since the proposed residences would not be generally comparable to other housing in the Town, an adverse impact on property values is not anticipated. Houlihan Lawrence concurs that the condominiums would not adversely affect the local real estate market. (See also Chapter III.N in the DEIS). The Applicant also believes that the improvements to the clubhouse, and to landscaping throughout the Site, would enhance views and have a positive impact on property values in the area. See also Response C6.

**COMMENT C12:**

*If you do go forward with the condo form of ownership, which I think is a mistake, I would ask that you consider mitigation or things like escrow and bonding of the developer's projections. Why should we bear all the economic risk even for a defined period of time?*

*(Mike Oestreich, Public Hearing 6/27/13, page 61)*

*If the developers are so sure that these statistics are right, will they back it up with funding and bonding and things that leave the Town in more secure positions so they are not left holding the bag?*

*(Peter Weiller, Public Hearing 6/27/13, page 55 and Public Hearing 7/10/13, pages 81-82)*

*I am in support of maybe putting up a bond to preserve the town's rights as well.*

*(Frank Benish, Public Hearing 6/27/13, page 58)*

**RESPONSE C12:**

Comments noted. See Response C6.

**COMMENT C13:**

*Pages III.N-3-4, e) Existing Golf Communities*

1. *Since the condominiums are assessed based on capitalizing income, please provide comparable rents and values.*
2. *What tax revenues have been generated from the golf courses and residences in these communities in the last 5 years?*
3. *Are there any Certiorari proceedings completed/pending in these communities?*
4. *What are the demographics in these communities?*
5. *Trump – why have there only been 16 units built when more were approved? Golf course/clubhouse – what is the value and taxes being generated?*



(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)

**RESPONSE C13:**

1. Available data on existing golf communities was presented in the DEIS. None of the existing golf communities analyzed in the DEIS (St. Andrews Country Club, Doral Greens at Arrowwood and Trump National) contain rental units.
2. The table below provides the available information about tax revenue generated from the golf courses and residences in the golf course communities examined in the DEIS.

**Table II.C-1**  
**Tax Revenues Generated from Existing Golf Communities in Westchester County**

Location	2013	2012	2011	2010	2009
<i>St. Andrews Country Club</i>					
Club	\$417,445	n/a	n/a	n/a	n/a
Residences (87 units)	\$1,497,428	\$1,407,252	\$1,369,155	n/a	n/a
<i>Doral Greens at Arrowwood</i>					
Club <sup>1</sup>	\$149,456	\$135,172	\$124,588	\$110,476	\$232,874
Residences (138 units)	\$2,290,661	n/a	n/a	n/a	n/a
<i>Trump National<sup>2</sup></i>					
Club	\$2,241,642	\$2,230,789	\$2,249,401	\$2,256,812	\$4,489,611
Residences (16 townhomes)	\$481,437	\$512,251	\$669,799	\$677,042	\$680,953

Sources: Town of Mount Pleasant, Village of Briarcliff Manor, Town of Ossining, Town of Rye, Village of Rye Brook, Town of Greenburgh, and Westchester County GIS. Information compiled by VHB.

<sup>1</sup> Doral Greens at Arrowwood Golf Course is 9 holes.

<sup>2</sup> Trump National was approved to build 87 residential units, however, only 16 townhomes have been built thus far. The condo units that have not been constructed are taxed at a much lower assessment rate. In 2013, these 71 unconstructed units were billed a total of \$168,106 in property taxes.

3. There is no reasonable way for the Applicant to ascertain what tax review proceedings have been commenced by homeowners in these other communities over the last five years, and what the current status of any such proceeding might be. This information is not required under the adopted scoping document, and would not be relevant to taxation of the Modified Project by the Town.
4. Demographics for the four communities with existing golf communities noted in the DEIS are shown in the following table, along with demographics for the Town of North Castle.

Note that although St. Andrews is located within the Town of Greenburgh, it is also within the Ardsley School District. Demographics for the Village of Ardsley provide a better statistical comparison with the other communities listed below.



**Table II.C-2**  
**Demographic Data for Westchester Communities with Existing Golf Communities and Town of North Castle**

	Town of Greenburgh	Village of Ardsley	Village of Rye Brook	Village of Briarcliff Manor	Town of North Castle
Population	88,400	4,452	9,347	7,867	11,841
Median Age	42.8	45.2	44.1	43.4	42.0
Housing Units	35,452	1,639	3,603	2,753	4,135
Owner-Occupied Housing Units	72.7%	81.9%	80.1%	84.5%	86.6%
Renter-Occupied Housing Units	27.3%	18.1%	19.9%	15.5%	13.4%
White	69.2%	77.9%	89.0%	86.4%	89.8%
Black or African American	12.6%	2.4%	1.5%	3.4%	1.6%
Hispanic or Latino	14%	6.5%	11.1%	5.3%	7.7%
Median Household Income	\$106,187	\$121,838	\$142,000	\$169,310	\$141,576
Average Family Size	3.13	3.24	3.15	3.16	3.31
Average Household Size	2.55	2.80	2.67	2.71	3.02

Source: US Census 2010, except for Median Household Income which is from the US Census 2007-2011 American Community Survey 5-Year Estimates.

5. As noted in Table II.C-1 above, Trump National Golf Club generated approximately \$2,241,642 in property taxes in 2013. The assessed value of the Golf Club is \$880,000 according to the Town of Mount Pleasant 2013 Tentative Tax Roll. There is no way to know with certainty why only 16 units were built. However, it is reasonable to assume that it is based on market conditions.

**COMMENT C14:**

*Please provide calculation details as to how you calculate market value of the residences. You indicate that you are using \$5,600 - \$6,500 for monthly rents, however, details such as the vacancy and collection loss reserve, expenses against the gross income, capitalization rate, tax loaded factor, if applicable, are not included.*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

**RESPONSE C14:**

Table II.C-3 shows comparable rental listings which were used to calculate rental incomes. Tables II.C-4 and II.C-5 show the calculation of condominium market value by the income capitalization approach required by



State law, and estimated taxes that would be generated by condominiums having that market value. The factors listed above are relevant in calculation of market value of a rental property, but not all are relevant to the calculation of condominium value under applicable State law, which simply requires a unit to be valued as though it was rental income producing to the owner of that particular unit. The anticipated rental price for the 2 bedroom condominiums of the Modified Project has been increased to \$6,000 due to larger square footage. Also, with the Modified Project, the ten Golf Cottages would be fee simple homes with values of approximately \$650 per square foot.

**Table II.C-3**  
**Comparable Rental Listings**

Address	Rental Price	Square Feet	Price Per SF
Ritz Carlton White Plains	\$ 5,000	1086	\$ 55.25
Ritz Carlton White Plains	\$ 5,000	1028	\$ 58.37
Ritz Carlton White Plains	\$ 5,000	1028	\$ 58.37
Ritz Carlton White Plains	\$ 6,200	1489	\$ 49.97
Ritz Carlton White Plains	\$ 6,950	1489	\$ 56.01
Ritz Carlton White Plains	\$ 9,000	2328	\$ 46.39
Trump Tower White Plains	\$ 5,800	1918	\$ 36.29
<b>AVERAGE</b>	<b>\$ 6,136</b>	<b>1,481</b>	<b>\$ 51.52</b>

Source: [whiteplainsluxurycondos.com](http://whiteplainsluxurycondos.com)

**Table II.C-4**  
**Condominium Market Value Based on Income Capitalization Approach**

Address	Rental Price	Square Feet	Price Per SF	Monthly Taxes	Monthly Common Charge	Annual Net Income	Cap Rate	Condominium Market Value
2 Bedroom Golf Residence	\$6,000	2,303	\$31.26	\$1,000	\$1,500	\$42,000	6.5%	\$646,154

Source: Brynwood Partners, LLC



**Table II.C-5**  
**Modified Project Estimated Taxes and Mitigation Payment (FEIS Alternative 2)**

	Market Value	Square Feet	Market Value Per SF	Tax and Mitigation Payment % of Market Value	Estimated Taxes and Mitigation Payment (per unit)	# of Units	Taxes and Mitigation Payment Generated
<b>Condominiums</b>							
2 BR Golf Residence	\$646,154 <sup>1</sup>	2,303	\$281	2%	\$12,923	70	\$904,615
<b>Condominium Mitigation Payment</b>							
2 BR Golf Residence	\$646,154 <sup>2</sup>			2%	\$12,923	70	\$904,615
<b>Subtotal Condominiums</b>							<b>\$1,809,230</b>
<b>Fee Simple Components</b>							
4 BR Golf Cottages	\$2,145,000	3,300	\$650	2%	\$42,900	10	\$429,000
Clubhouse/Golf Course	\$18,000,000	51,700		2%	\$360,000	1	\$360,000
<b>Subtotal Fee Simple Components</b>							<b>\$789,000</b>
<b>Total Modified Project (FEIS Alternative 2)</b>							<b>\$2,598,230<sup>3</sup></b>

Source: Brynwood Partners, LLC

<sup>1</sup>The market value of the condominiums for taxation purposes is based on the income capitalization approach, in accordance with State law.

<sup>2</sup>The Mitigation Payment is based on the assumption that the market value of the condominiums calculated by the required income capitalization approach would be approximately 50% of the market value of the units if calculated for taxation as though they were fee simple residences.

<sup>3</sup>The tax amounts in this table do not include taxes attributable to the AFFH units, making the projections conservative.

#### **COMMENT C15:**

*Please provide the actual comps you used in arriving at the rental income. What tax revenue is generated from this project?*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

#### **RESPONSE C15:**

Table II.C-6 lists comparable sales data for Residences at Ritz Carlton and Christie Place. (Further historical sales data for Ritz Carlton and Christie Place are in the market analysis in Appendix P of the DEIS.) See also Response C14.



**Table II.C-6**  
**Brynwood Comparable Sales**

Address	Sale Price	Square Feet	Price Per SF	Estimated Taxes	Tax % of Value	Estimated Condominium Common Charge	Common Charge % of Value
Ritz Carlton WP, #11A	\$705,000	1,489	\$473	\$6,670	0.95%	\$1,351	0.19%
Ritz Carlton WP, #27F	\$760,000	1,467	\$518	\$11,410	1.50%	\$1,335	0.18%
Ritz Carlton WP, #31A	\$829,000	1,453	\$571	\$9,841	1.19%	\$1,343	0.16%
Ritz Carlton WP, #15B	\$520,000	1,028	\$506	\$4,507	0.87%	\$929	0.18%
Ritz Carlton WP, #19G	\$1,225,000	2,139	\$573	\$10,813	0.88%	\$1,805	0.15%
Ritz Carlton WP, #PH2C	\$1,850,000	2,304	\$803	\$11,617	0.63%	\$1,945	0.11%
Ritz Carlton WP, #15A	\$761,840	1,489	\$512	\$6,702	0.88%	\$1,312	0.17%
Ritz Carlton WP, #PH2E	\$3,450,000	5,079	\$679	\$26,556	0.77%	\$3,674	0.11%
Ritz Carlton WP, #28BC	\$2,225,000	3,167	\$703	\$20,849	0.94%	\$2,862	0.13%
Ritz Carlton WP, #26C	\$1,334,000	2,304	\$579	\$11,617	0.87%	\$1,945	0.15%
Ritz Carlton WP, #29F	\$745,000	1,445	\$516	\$8,062	1.08%	\$1,273	0.17%
Ritz Carlton WP, #20C	\$1,600,000	2,328	\$687	\$12,517	0.78%	\$2,052	0.13%
Christie Place, #407E	\$1,340,207	1,660	\$807	\$9,000	0.67%	\$1,207	0.09%
Ritz Carlton WP, #19BC	\$2,260,000	3,808	\$593	\$22,176	0.98%	\$3,041	0.13%
Christie Place, #205W	\$1,199,000	1,445	\$830	\$9,485	0.79%	\$1,050	0.09%
Christie Place, #207E	\$1,400,000	1,660	\$843	\$9,000	0.64%	\$1,207	0.09%
Ritz Carlton WP, #9A	\$670,000	1,489	\$450	\$6,703	1.00%	\$1,256	0.19%
Ritz Carlton WP, #16D	\$935,000	1,757	\$532	\$7,953	0.85%	\$1,548	0.17%
Ritz Carlton WP, #PH1C	\$1,800,000	2,304	\$781	\$11,617	0.65%	\$1,945	0.11%
Ritz Carlton WP, #18B	\$625,900	1,079	\$580	\$4,320	0.69%	\$910	0.15%
Christie Place, #402E	\$1,750,000	1,910	\$916	\$10,000	0.57%	\$1,388	0.08%
Ritz Carlton WP, #30G	\$1,300,000	2,139	\$608	\$10,813	0.83%	\$1,805	0.14%
Christie Place, #307E	\$1,307,000	1,660	\$787	\$9,000	0.69%	\$1,207	0.09%
Ritz Carlton WP, #V7B	\$740,000	1,480	\$500	\$9,751	1.32%	\$1,305	0.18%
Christie Place, #204E	\$1,320,000	1,691	\$781	\$9,000	0.68%	\$1,229	0.09%
Ritz Carlton WP, #12A	\$685,000	1,489	\$460	\$4,989	0.73%	\$1,256	0.18%
Ritz Carlton WP, #31G	\$1,350,000	2,139	\$631	\$11,016	0.82%	\$1,805	0.13%
Ritz Carlton WP, #32G	\$950,000	1,785	\$532	\$13,067	1.38%	\$1,785	0.19%
Ritz Carlton WP, #10A	\$677,000	1,489	\$455	\$4,916	0.73%	\$1,256	0.19%
Christie Place, #301E	\$1,499,817	1,945	\$771	\$9,189	0.61%	\$1,724	0.11%
Ritz Carlton WP, #32E	\$1,700,000	2,498	\$681	\$12,056	0.71%	\$2,201	0.13%
Christie Place, #401W	\$1,500,000	1,945	\$771	\$9,189	0.61%	\$1,413	0.09%



Address	Sale Price	Square Feet	Price Per SF	Estimated Taxes	Tax % of Value	Estimated Condominium Common Charge	Common Charge % of Value
Ritz Carlton WP, #27C	\$1,330,000	2,304	\$577	\$10,197	0.77%	\$2,030	0.15%
Christie Place, #406E	\$747,360	1,000	\$747	\$4,722	0.63%	\$887	0.12%
Ritz Carlton WP, #29G	\$1,125,000	2,139	\$526	\$10,713	0.95%	\$1,805	0.16%
Ritz Carlton WP, #18E	\$1,000,000	1,734	\$577	\$8,442	0.84%	\$1,528	0.15%
Christie Place, #207W	\$1,210,135	1,691	\$716	\$8,000	0.66%	\$1,499	0.12%
Christie Place, #203W	\$1,401,976	1,713	\$818	\$8,105	0.58%	\$1,519	0.11%
Christie Place, #306W	\$792,750	1,000	\$793	\$4,722	0.60%	\$887	0.11%
Christie Place, #304W	\$1,176,325	1,630	\$722	\$7,745	0.66%	\$1,445	0.12%
<b>AVERAGE</b>	<b>\$1,244,933</b>	<b>1,907</b>	<b>\$648</b>	<b>\$9,926</b>	<b>0.82%</b>	<b>\$1,599</b>	<b>0.14%</b>

Source: Houlihan Lawrence

#### COMMENT C16:

*Please indicate the sales/rental history of Ritz Carlton Towers in White Plains. Has this project been built according to the initial marketing plan? Are both buildings completed and sold out? What is the current market value of the units? What is the assessed value? Are there currently Certiorari pending/settled? If so, how many years and what is the value being claimed?*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

#### RESPONSE C16:

According to Houlihan Lawrence, both buildings of the Residences at the Ritz Carlton are complete and Tower I is sold out, while Tower II is approximately half sold. The sales history and market values of Residences at the Ritz Carlton are provided in Appendix P of this FEIS. The assessed values range from \$4,600 to \$32,300,<sup>1</sup> although the Applicant notes that assessed values in one municipality are not directly comparable to assessed values in another municipality. See Response C13 regarding pending tax review proceedings. There is no reasonable way for the Applicant to ascertain whether the Residences at the Ritz Carlton was constructed in the manner contemplated by the developer's proprietary marketing plans. Additional information regarding the Residences at the Ritz Carlton is in Appendix P of the DEIS.

#### COMMENT C17:

*Have you surveyed townhouse (RMF) units and long term rentals within the Town of North Castle (specifically the hamlet of Armonk)? Are there any units in Whippoorwill Hill, Cider Mill, etc. being rented? If so, what is*

<sup>1</sup> City of White Plains 2013 Tentative Assessment Roll, not including combined units.



the monthly rental? What is the monthly rental amount of long term rentals? What is the average market value of these units?

(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)

**RESPONSE C17:**

There are currently some long term rental units in the Whippoorwill Hill and Cider Mill communities. Examples of two rental properties in each community are provided in the following table.

**Table II.C-7**  
**Rental Properties in Whippoorwill Hills and Cider Mill**

Location	Unit Size	# of Bedrooms	Monthly Rent	Full Market Value <sup>1</sup>
Cider Mill – Cider Mill Circle	3,273 s.f.	4	\$6,000	\$919,491
Cider Mill – Cider Mill Circle	5,601 s.f.	4	\$8,500	\$1,355,932
<i>Cider Mill Sample Average Rent and Market Value</i>			\$7,250	\$1,137,712
Whippoorwill Hills – Agnew Farm Road	2,329	3	\$6,950	\$889,830
Whippoorwill Hills – Caruso Place	4,053	4	\$6,950	\$1,000,000
<i>Whippoorwill Hills Sample Average Rent and Market Value</i>			\$6,950	\$944,915

Source: Houlihan Lawrence Inc.

<sup>1</sup> Full market value as per the 2013 Town Tentative Tax Roll.

**COMMENT C18:**

Table III.N-2 indicates that the existing property tax total is \$275,671.15 (based on the 2011 assessment and 2012 mill rates). You are projecting that once the golf course/country club is renovated, tax revenue will essentially double. Please provide details as to how you arrive to the \$25,000,000 value. As in #1 above (Comment C14), please provide with the detailed financial analysis, breaking out the projected income from golf/country club/lodging rooms, etc.

(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)

**RESPONSE C18:**

In May, 2013, Wellspeak Dugas & Kane, an appraisal firm with an expertise in golf and recreational real estate, concluded that based on the income capitalization approach, the value of the renovated Club would be \$23.1 million. The Applicant blended this income capitalization valuation with its estimated construction cost of \$31.5 million to arrive at a value of \$25 million. Because the clubhouse is likely to be reduced in size as part of the Modified Project, in this FEIS, a value of \$18,000,000 is used to be conservative.



**COMMENT C19:**

*What are the values of comparable golf courses in Westchester County? New York area?*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

**RESPONSE C19:**

The table below provides the market value and assessed value of various private golf clubs in Westchester County and one club in Connecticut. Note that assessed values in one municipality are not directly comparable to assessed values in another municipality.

**Table II.C-8**  
**Full Market Value and Assessed Value of Comparable Private Golf Clubs**

Golf Club	Location	Full Market Value	Assessed Value
Brae Burn Country Club	Purchase (Harrison)	\$14,382,857	\$251,700
Salem Golf Club	North Salem	\$6,259, 209	\$696,650
Glen Arbor Golf Club	Bedford Hills	\$9,697,288	\$1,108,400
Hollow Brook Golf Club	Cortlandt Manor	\$4,081,344	\$75,913
Hudson National Golf Club	Croton-on-Hudson	\$9,032,258	\$168,000
Willow Ridge Country Club	Harrison	\$11,445,714	\$200,300
Doral Greens at Arrowwood <sup>1</sup>	Rye Brook	\$3,886,200	\$3,886,200
Trump National	Briarcliff Manor	\$12,845,787	\$808,000
St. Andrews	Hastings-on-Hudson	\$10,948,717	\$384,300
Greenwich Country Club	Greenwich, CT	n/a	\$32,054,890

Source: Town/Village 2013 Tax Assessment Rolls

<sup>1</sup>9-hole golf course

**COMMENT C20:**

*Table III.N-6 – If all approvals are granted, please define “year 1, 2 and 3.”*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

**RESPONSE C20:**

Year 1 would likely be in 2015, with construction beginning in Spring of 2016. Years 2 and 3 would be 2016-2017 and 2017-2018.



**COMMENT C21:**

*What assurances are there to the Town that if this project is approved, it will be built as approved? What is your back-up plan if the project is not sold out as planned?*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

**RESPONSE C21:**

The Town would have the same control over the construction of the improvements, and powers of enforcement, as it has with any other project for which site plan approval is granted.

There is no reasonable way for the Applicant to formulate a “back-up plan” for all of the different possible eventualities driven by changing market conditions.

**COMMENT C22:**

*“There is no state or local statute that requires the Town tax assessor to consider a conservation easement in the assessment and valuation of land...” - Isn’t it true that the conservation easement dictates what can and cannot be done to the property irrespective of the zoning? Would not those limitations create an effect on value for assessment purposes? In other words, a change in the use of the property (from golf course to open space), would create an impact on the valuation and assessment of the property.*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

**RESPONSE C22:**

The Assessor must assess the value of property on each taxable status date based on applicable State law, which does not prescribe how land subject to a conservation easement must be valued. Because the conservation easement that would be required here would permit the land to continue to be used as a golf course, the Assessor could reasonably come to the conclusion that the conservation easement does not itself diminish the value of the land.

**COMMENT C23:**

*Sales tax benefits should not be considered in the DEIS as there is no direct benefit to the Town.*

*(Letter #14, Stephen D’Angelo, 8/19/13)*



**RESPONSE C23:**

An analysis of sales tax was required in the adopted DEIS scoping document and was therefore required to be in the DEIS. As noted in the Chapter III.N, Socioeconomic/Fiscal Resources, in the DEIS, sales taxes are distributed to New York State (4%), Westchester County (3%) and the Metropolitan Transportation Authority (0.375%). While the Town of North Castle does not directly receive sales tax revenue, the County does remit a portion of local sales tax revenue to the Town and School District.

**COMMENT C24:**

*Why must all residences be one floor if you are targeting to 55 and older so called “active seniors”? The golf course will require a lot of walking from carts to ball regardless of how much work you do to level the course. Therefore, the townhouse model can easily be marketed to “active seniors” and the individual golf home can remain as one level living. Then if most of the units are town homes, fee simple ownership can be accommodated.*

*(Letter #14, Stephen D’Angelo, 8/19/13)*

**RESPONSE C24:**

The Applicant has researched the market and believes the types of residences they propose will have the most appeal to the anticipated purchasers. The Modified Project includes both single level apartment flats and detached cottages, which have bedrooms on upper floors, but the master bedroom unit on the first level. The ten Golf Cottages will be fee simple properties and the condominium association will make an annual Mitigation Payment, resulting in approximately \$2,598,230 total revenue annually. See Response C6.

**COMMENT C25:**

*Has any so-called golf course community in the Northeast closed? If so, what happened to the golf course? Please detail the circumstances.*

*How many of these communities have been built in the Northeast in the last 15 years? How many were started and remained unfinished?*

*(Letter #14, Stephen D’Angelo, 8/19/13)*

**RESPONSE C25:**

Hundreds of golf courses have closed in the US in recent years. Some have been turned into parks, some have been redeveloped into commercial or residential facilities, and some communities have taken over



operation of the golf courses. Others remain vacant and un-maintained, reverting back to meadow and woodland.

One example is the Bay Club in Mattapoisett, MA. The developer sold 75% of the lots in a golf course community, but when sales stalled as a result of the recession, its lender sold the loan to the membership, which took over ownership, and converted the facility to a member owned equity club. This scenario – a lender taking back the community and then selling it at a reduced price to either another developer or to the membership – is typical. In this scenario, the golf course typically continues to be operated because: 1) there is continuing value in the golf operation; and/or 2) operation of the golf course is required under the legal governing documents of the community.

Local golf clubs that have closed or are considering redevelopment are described in the DEIS (see Chapter N.1.d., Existing Economic Trends in the Golfing Industry), including Ridgeway Country Club in White Plains, Elmwood Golf Club in Greenburgh, North Shore Country Club and Engineers Country Club on Long Island, and Shackamaxon in New Jersey. The Hampshire Country Club in the Village of Mamaroneck is currently looking at constructing multifamily residential on the golf course due to financial difficulties.

**COMMENT C26:**

*During the DEIS public hearing many members of the public indicated a preference for fee simple units as opposed to condominium ownership. The Applicant should address whether there are alternatives that contain a mix of ownership types on the property. While it is not possible to provide fee simple lots for the apartment units, the Applicant should indicate whether it would be possible to create fee simple lots for the proposed Fairway Residences, Club Villas and Golf Cottages.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

**RESPONSE C26:**

Comment noted. See Responses C6 and C24.

**COMMENT C27:**

*The property tax analysis contained in the DEIS is based on a 2% rate in North Castle. The actual rate is at least 2.2% (it may be a bit larger at this point). To be accurate, the financial analysis and comparisons which are used throughout the DEIS should be restated to reflect the actual current property tax rate.*

*(Letter #18, Robert Greene, 8/20/13)*



**RESPONSE C27:**

Comment noted. At 2.2%, the taxes and Mitigation Payment from either alternative of the Modified Project would be greater than projected in the DEIS, and would therefore yield a greater surplus of revenue than projected.

**COMMENT C28:**

*The estimated annual property tax payment, which would result from all improvements to the Brynwood facilities is \$500,000. At a 2.2%, tax rate, this translates to a total market value of \$22,727,272 for all the Brynwood fee-simple components. Please explain how this valuation is supported by providing an estimated fair market value for all facilities that will be taxed on a fee simple basis including: a new/renovated 64,000 SF clubhouse; a new security gate house; new 8,000 SF two-story maintenance building; 6 new tennis courts; 3 swimming pools; new sewer plant; new 225,000 gallon water storage tank; new half-way house; chemical storage building; 3 material storage bays; fuel tanks and wash area; and parking area.*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE C28:**

The Club is assessed, and valued, as a whole. See also Responses C8 and C18.

**COMMENT C29:**

*The DEIS estimates Rec Fees at \$3,000 per unit. The current North Castle Rec Fee is \$10,000 per unit. What is the justification for such a large discount? Is this amount fixed, or subject to negotiation?*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE C29:**

The fee in lieu of providing recreation facilities is \$10,000 per lot for each new subdivided, single family home lot (Section A216-35.A of the Town Code). The fee for a multifamily development is \$3,000 per unit (Section 143-5.B of the Town Code) and the fee for affordable (“AFFH”) multifamily units is \$1,000 per unit (Section 143-5.C of the Town Code). The Modified Project includes 10 fee simple homes, 70 multifamily condominium units plus 8 AFFH units, requiring a total of \$318,000 for recreation fees ( $[10 \times \$10,000 = \$100,000] [70 \times \$3,000 = \$210,000] + [8 \times \$1,000 = \$8,000] = \$318,000$ ). The Applicant believes that sufficient on-site recreational facilities are being provided to meet the demand of the Modified Project, and that the fee should therefore be waived for the market-rate homes. However, because the residents of the affordable units



would not be required to be members of the Club and would likely use Town recreation facilities, the required \$1,000 per unit would be paid by the Applicant for the affordable units.

**COMMENT C30:**

*A recurring theme throughout the DEIS is that Brynwood needs to build 88 condos in order to save the golf club. A quote from the DEIS is clear: “A year-round residential neighborhood for active adults will support the operations of the club, the preservation of the golf course, and our member base.” However, nowhere in the DEIS is there an explanation of how this will happen. The applicant should be required to provide an explanation, supported by financial projections, to show how it plans to save the golf club operation. This is a core issue that should be carefully vetted because the merit of the applicant’s entire proposal rests on the validity of this premise.*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE C30:**

Comment noted. The Applicant's private financial projections are not a potential environmental impact subject to review under SEQR. The Applicant has agreed to permanently restrict the future use of the golf course by permanent conservation easement, so that if the Club were to close and golf use to cease, the property would remain open space.

**COMMENT C31:**

*What assumptions are used to calculate the estimated property tax rate for condominiums? (page I-12). What estimated rental rents were used? What expenses were deducted to calculate the NOI?*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE C31:**

Rent of \$6,000 per month for the proposed two bedroom condominium units is assumed. (Note that the DEIS assumed rent of \$5,600 for the 2 bedrooms condominiums. The Modified Project assumes rent of \$6,000 because the unit size has increased.) The market value of the proposed condominiums is then determined by applying a capitalization rate to the resulting net income (i.e., income less operation costs). The Applicant believes that the appropriate capitalization rate for this type of housing in the current market is less than 6.5%. Nevertheless, to be conservative, a 6.5% capitalization rate is assumed for the purposes of analysis. At a 6.5% capitalization rate, the market values for the condominium residences would be approximately \$646,154. The ten Golf Cottages would be taxed as fee simple with a market value of \$650



per square foot, or \$2,145,000. In the Town of North Castle, total real property tax is typically 2% of market value. Applying that 2% tax rate to these values results in \$1,333,615 in tax and Mitigation Payment revenues from the residential community. It is important to note that a lower capitalization rate would yield higher market value, and therefore greater revenues from the condominium residences.

The Club would also generate taxes. Assuming an \$18,000,000 market value for the Club (value of renovated and improved facilities plus land value) and a 2% tax rate, the Club would generate an additional \$360,000 in tax revenue annually, totaling \$2,598,230 for the Modified Project. Currently, without the significant renovation and upgrades proposed by the Applicant, the Club generates approximately \$236,000 in tax revenue.

Calculation of the Net Operating Income (NOI) was not requested in the DEIS scoping document and is not necessary for SEQRA review.

For additional information, see Chapter III.N. (Socioeconomic/Fiscal Resources) of the DEIS. See also Responses C8, C14 and C29.

#### **COMMENT C32:**

*The applicant estimates its construction cost to be approximately \$104.5 million. (page I-14). How is this allocated between the residential component, improvements to the golf course, and the various fee-simple facilities? Does this include construction of the required MIU units?*

(Letter #18, Robert Greene, 8/20/13)

#### **RESPONSE C32:**

Construction costs for the golf course and clubhouse renovations are conservatively estimated by the Applicant to be approximately \$31.5 million. Construction costs for the 88-unit residential component (which includes the 8 affordable units) would be estimated to be approximately \$73 million, based upon an assumed average cost of \$325 per square foot (including hard and soft costs). In total, construction would require an estimated investment of approximately \$104.5 million, which would provide a significant benefit to the local, regional, and state economies.

#### **COMMENT C33:**

*The applicant represents that it will construct a luxury complex with first class appointments and amenities. What assurance do we have that it will fulfill that promise? How can we be protected from a reduction in quality as the units are being built? If the applicant were to obtain the approvals that it seeks, it could easily sell the project to another developer who may target market to a completely different, and less affluent,*



*audience. The applicant's estimated selling price point is \$600 PSF – very pricy in today's real estate market. The 88 condo project is to be built in phases. What will be the result if phase one sales are disappointing? What mechanism is contemplated to insure that the quality of the construction is maintained and the so-called marketing strategy to empty nesters is not abandoned?*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE C33:**

Comment noted. See Response C21.

**COMMENT C34:**

*Another area in which the DEIS is incomplete is in the economic analysis of the project. As the economic success or failure of the project has widespread ramifications on the environmental impact of the project, the FEIS should include an economic analysis by the Town and by an independent third party. The analysis should include, but not be limited to, a thorough tax analysis, an analysis of property values, and a thorough analysis of school impact. If the Rutgers study is used as the basis for the projected number of school children, as per the study's suggestion, the analysis should be modified to consider the high quality of the Byram Hills School District, the size of the units, and the high bedroom count of the proposed development (bonus rooms should be considered bedrooms in this analysis).*

*In addition, a proper economic analysis should include the costs of developing and maintaining an independent water system and the costs of developing and maintaining a sewage treatment facility.*

*(Letter #21, Jan Bernstein, ROWI, 8/20/13)*

**RESPONSE C34:**

Comment noted. The Town's SEQRA consultant has reviewed the DEIS, and has extensive experience preparing, and reviewing fiscal, economic and school impact studies and analyses.

Costs of developing and maintaining the private water supply and sewage disposal are part of the Applicant's project and business plan, not necessarily related to environmental impacts.



## D. Vegetation and Wildlife

### COMMENT D1:

*The applicant shall not install, within 100' of any regulated area, any plant material that is not native to the region. Under no circumstance shall any invasive or potentially invasive plant material be introduced to the property, whether within 100' of a regulated wetland or outside of the 100' regulated setback.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE D1:

Comment noted. No invasive plants, native or non-native would be introduced to the property. Only native and indigenous plants would be used within wetlands or within the 100 foot regulated adjacent area. See Responses D2 and D4.

### COMMENT D2:

*A detailed invasive species removal and management program shall be prepared and presented in the FEIS. Details such as specific methods to remove specific invasives, graphic representations of various invasives to be removed, times of year proposed for removal of various invasives, etc., shall be presented in the FEIS. In addition, a specific post-removal maintenance and monitoring program shall be prepared to insure the long-term success of the plant removal and the re-planted areas. If not properly monitored and maintained, the invasive plant material will likely, over time, re-establish and outcompete the newly-planted species.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE D2:

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 identifying target areas, target species, preferred methods of removal, and time of year for removal, and including a replacement planting plan, and a long-term maintenance and monitoring schedule, will be submitted in conjunction with an application for site plan approval, when development plans are further refined and detailed. A concept plan noting general areas of invasives for removal is provided as FEIS Exhibit II.D-1. The table below summarizes the methods for eradication of invasive species present on the Site.



**Table II.D-1**  
**Non-Native Invasive Plant Species Noted On-Site and Potential Control**

Common Name/ Scientific Name	Location(s) on Site	Potential Control <sup>1</sup>	Reference for Further Control Details/Information
<b>SHRUBS</b>			
Multiflora rose <i>Rosa multiflora</i>	Along fairway edges and in exposed wooded areas throughout site.	Mechanical and chemical methods. Frequent repeated cutting or mowing (3-6 x per year) for two to four years; herbicide application <sup>2</sup> .  Control via conservation grazing with Exmoor Ponies.	<a href="http://www.nps.gov/plants/alien/fact/rom_u1.htm">http://www.nps.gov/plants/alien/fact/rom_u1.htm</a>
Japanese barberry <i>Berberis thunbergii</i>	Wooded areas throughout site.	Mechanical control (removal of individual shrubs) in early spring <sup>2</sup> .  Cutting with Triclopyr applied to cut – stump.	<a href="http://www.dnr.state.wi.us/org/land/er/invasive/factsheets/b...">http://www.dnr.state.wi.us/org/land/er/invasive/factsheets/b...</a> <a href="http://plants.usda.gov/">http://plants.usda.gov/</a>  <a href="http://webapps.lib.uconn.edu/ipse/browsing.com/description_id=26">http://webapps.lib.uconn.edu/ipse/browsing.com/description_id=26</a>
Autumn Olive <i>Elaeagnus umbellata</i>	Along Route 684 ROW. Monitor to prevent establishment on site.	Sprouts vigorously after cutting, so effective management requires removal of roots or cutting/girdling the stem and then application of an herbicide like triclopyr.	<a href="http://www.hort.uconn.edu/cipwg/art_pubs/Guide/x12autumn.html">http://www.hort.uconn.edu/cipwg/art_pubs/Guide/x12autumn.html</a>
Winged Euonymus <i>alatum</i>	Along fairway edges and in exposed wooded areas throughout site.	Sprouts vigorously after cutting or burning. Therefore, effective management via stem cutting requires subsequent application of an herbicide like glyphosate.	<a href="http://www.klines.org/joanne/Archive/Plant_Pages/plant_pages_30.html">http://www.klines.org/joanne/Archive/Plant_Pages/plant_pages_30.html</a>
<b>LIANAS</b>			
Porcelainberry <i>Ampelopsis brevipedunculata</i>	Along fairway edges. Will not be established on site, monitor to prevent establishment.	Mechanical and chemical methods have been used successfully to control porcelainberry infestations. Hand pruning in the fall or spring helps to prevent flowering and thus seed formation the following season. Vines can be cut to prevent seed formation and further damage to trees. Systemic herbicides (Triclopyr [e.g., Garlon 3A and Garlon 4] and glyphosate [e.g., Roundup and Rodeo]) are also effective <sup>1</sup> . Both methods together likely most effective and likely required for large infestations. Large stems cut low should be treated with a systemic herbicide to prevent re-sprouting <sup>2</sup> .	<sup>1</sup> <a href="http://www.nps.gov/plants/alien/pubs/midatlantic/ambr.htm">http://www.nps.gov/plants/alien/pubs/midatlantic/ambr.htm</a> <sup>2</sup> <a href="http://www.dcnr.state.pa.us/forestry/invasive/tutorial/Porcelainberry_M_C.htm">http://www.dcnr.state.pa.us/forestry/invasive/tutorial/Porcelainberry_M_C.htm</a>



Common Name/ Scientific Name	Location(s) on Site	Potential Control <sup>1</sup>	Reference for Further Control Details/Information
Asiatic or Oriental Bittersweet <i>Celastrus orbiculatus</i>	Along fairway edges and in trees.	Hand removal where practical; cut vines and spot treatment with herbicide (100% Roundup).	<a href="http://wwwinhs.uiuc.edu/chf/outreach/VMG/rlbitter.html">http://wwwinhs.uiuc.edu/chf/outreach/VMG/rlbitter.html</a>
Japanese Honeysuckle <i>Lonicera japonica</i>	Along fairway edges and in trees.	Herbicide application only effective control but necessitates attention to proper timing. Some herbicides ineffective.	<a href="http://tncweeds.ucdavis.edu/esadocs/documents/lonijap.html">http://tncweeds.ucdavis.edu/esadocs/documents/lonijap.html</a>
<b>HERBS</b>			
Garlic Mustard <i>Alliaria officinalis</i>	In undisturbed wooded areas. Remove as convenient, not a target species.	Spraying soil around satellite invasion areas with vinegar to change the soil pH should be tried as a pilot project; in areas of large infestations, systematic herbicide application (glyphosate, triclopyr) may be necessary prior to seed set.	
Japanese knotweed <i>Polygonum cuspidatum</i>	Around tees and green for proposed holes 15 and 16.	The best control strategy is a combined integrated strategy with mowing or cutting: <ol style="list-style-type: none"> <li>1) Cut stalks down to 2" and immediately apply a 25% solution of glyphosate or triclopyr to the cross section of the stems.</li> <li>2) Cut or mow infestations when the plants reach early bud stage (late spring or summer), treat re-growth in the fall with glyphosate or triclopyr.</li> </ol>	<a href="http://www.cdfa.ca.gov/phpps/ipc/weedinfo/polygonum-knotweeds.htm">http://www.cdfa.ca.gov/phpps/ipc/weedinfo/polygonum-knotweeds.htm</a>
Common Reed <i>Phragmites australis</i>	Hole 17 - east edge of fairway.	Glyphosate application and removal of dead plants.	<a href="http://www.nap.usace.army.mil/Projects/LCMM/Summary%20of%20Common%20Questions%20Concerning%20Phragmites%20Control.pdf#search='phragmites%20control'">http://www.nap.usace.army.mil/Projects/LCMM/Summary%20of%20Common%20Questions%20Concerning%20Phragmites%20Control.pdf#search='phragmites%20control'</a>

<sup>1</sup> <http://www.ocfp.on.ca/local/files/Communications/Current%20Issues/Pesticides/Final%20Paper%202004.pdf>

<sup>2</sup> Be sure to heed all health and safety warnings, permitting requirements, and environmental/ecological recommendations associated with any chemical control method. Information for herbicides can be found at [http://www.pesticideinfo.org/Search\\_Chemicals.jsp](http://www.pesticideinfo.org/Search_Chemicals.jsp)



**COMMENT D3:**

*There should be a commitment by the applicant to plant evergreen trees along the northern and eastern periphery to screen neighboring properties.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE D3:**

The Applicant proposes evergreen and deciduous trees along the northern and eastern boundaries of the Site, and would be required to maintain this buffer. See FEIS Exhibits I-7 through I-12 for Landscape Concept Plans. The Modified Project includes a 100-foot buffer along the perimeter of the Site which would further reduce visual impacts on adjoining residential uses.

**COMMENT D4:**

*A long-term commitment by the applicant needs to be established to ensure that all installed plant material (i.e., wetland planting, shrub, tree, visual screening material, residential landscaping, etc.) be appropriately maintained. Plant material shall be guaranteed for the duration of the golf course operation and all plants that do not survive shall be replaced in like, kind and size.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE D4:**

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.

**COMMENT D5:**

*The applicant states that habitat for aquatic dependent animals will be eliminated during dewatering for the proposed pond dredging operation. The applicant shall identify all species of animals that will potentially be impacted, displaced or lost as a result of the dredging operation.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*



- *P III.E-39 of the DEIS contradicts the statement on P. I-7 by stating “Dredging the existing ponds on the Site ...will directly impact the animals utilizing the aquatic environment. These include largemouth bass, bluegill sunfish and sterile triploid carp; bullfrogs, green frogs, and pickerel frogs; and painted turtles and snapping turtles.”*
- *P. III.H-6 states that the two ponds on the northern part of the course “function as a habitat for reptiles, amphibians and fish...”*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

#### **RESPONSE D5:**

The potential impacts of the pond dredging operations are described on page III.H-8 of the DEIS. There would be some limited mortality to non-mobile species, including bluegills, large-mouth bass, and possibly some of the stocked triploid grass carp.

#### **COMMENT D6:**

*The DEIS reveals that the site specific analysis required by P. 18 of Scoping Document as conducted by the Applicant is completely inadequate. Site visits to collect data on wildlife did not occur at the times required to maximize species detection resulting in insufficient and inaccurate data collection. This data cannot be used to make conclusions. The study should be redone and data collected correctly.*

- *The Applicant did not conduct its field visits at the right time of year for accurate data collection. Field visits were conducted during fall of 2010 (i.e. three years ago), fall of 2012 and January, February and March of 2013. One additional field visit was made on April 24th.*
- *Bird surveys must be conducted during breeding seasons which occur from May through early July. During these times, data collection must be done during peak song period, starting approximately thirty minutes before sunrise until approximately 12:00 noon, assuming weather conditions remained favorable. Data collected cannot only be based on visual observance. Data should be collected through auditory cues (i.e., listening to bird songs and calls). Playbacks (recordings of bird songs and calls) should be used to help confirm or document uncommon birds, or common birds that had not yet been detected in an area.*
- *P. III.E-28 states that “The highly mobile and seasonal nature of avian populations contributes to the difficulty of verifying the presence/absence of individual species.” It is precisely because birds are mobile and seasonal, that data collectors must conduct field visits during breeding seasons and at peak times of the day.*
- *Amphibian and Reptile Surveys - Proper field surveys of amphibians should be conducted between late March and late June and field surveys of reptiles should be conducted between April and June. The*



*Applicant's field studies were conducted during the fall, winter and on one day in April. No other site visits were made in April, none in May and none in June. The result is inaccurate and insufficient data collected. No conclusions should be based on this data.*

(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)

*I would like to address the site's specific wildlife analysis that the applicant was required to do. Specifically, the applicant has to conduct a site specific analysis of migratory wildlife which includes an assessment examining the breeding habitat, transitional staging areas and travel lanes. The DEIS reveals that the site specific analysis conducted by the applicant is grossly inadequate and needs to be redone.*

*The site visits conducted by the applicant concerning wildlife did not occur at the times required to maximize species attached<sup>1</sup>, resulting in insufficient and inaccurate data collection. To be done correctly, the surveys must be done during breeding seasons which occur from May to early July. The applicant, however, conducted field visits during fall of 2010, which is three years ago, fall of 2012 and January and February and March 2013. One additional field visit was made on April 24.*

*In the DEIS, the applicant writes that "The highly mobile and seasonal nature of avian populations contributes to the difficulty of verifying the presence or absence of individual species." I would submit that the difficulty of verifying the presence or absence of individual species on the property was because none of the applicant site visits were conducted during the breeding season. It is difficult to find migratory birds that arrive in the spring when you conduct a field visit in the dead of winter. The same is true for the data collected or not collected, as the case may be, for amphibians and reptiles on the property. Proper field conditions for amphibians should be conducted between late March and late June, which is right now, and field surveys of reptiles should be conducted between April and June. However, they were conducted during the fall and winter and one day in April. No site visits were made in April, none in May and none in June. The result was inaccurate and insufficient data was collected.*

(Kerri Kazak, North Castle Open Space Committee, Public Hearing 6/27/13, pages 71-73)

Vegetation & Wildlife Brynwood site inspections were made only in the fall of 2010; Winter, March and one visit in April in 2013.

Provide additional site investigation and inspection information for bird, reptile and amphibian species during spring and summer months during the primary nesting and breeding season.

(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)

*The survey of wildlife is inadequate and should be expanded to include surveys of pond life, bird nesting, reptiles and amphibians at the proper time of the year.*

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<sup>1</sup> It is noted that the applicant did not receive any attachment with this comment



(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)

**RESPONSE D6:**

Comments noted. The wildlife study prepared for the Applicant by Jay Fain & Associates LLC satisfies the adopted DEIS scope. The field investigations were performed at the proper time of day (morning) and in April, during the spring breeding season. Field investigations were supplemented by additional sources including the *North Castle Biodiversity Plan* and the *NYS Breeding Bird Atlas*.

The Site is relatively open, thereby facilitating the inventory of birds. The field inventory combined with data from other existing sources ensures that species breeding and likely to breed were evaluated. Dates of field visits were included in the DEIS but are also listed below:

September 29, 2010

October 19, 2010

October 26, 2010

October 27, 2010

November 4, 2010

November 16, 2012

January 11, 2013

February 6, 2013

March 11, 2013

March 12, 2013

March 13, 2013

March 17, 2013

March 18, 2013

March 19, 2013

April 24, 2013

The field visits performed in 2010 were done in conjunction with the wetland delineation of the Site and therefore the species observed at those times are largely associated with wetland habitat. The field visits performed from November 16, 2012 through March 19, 2013 was largely associated with assessing the mammal and avian populations. The April 24, 2013 visit was specifically performed to assess reptile and amphibian populations. Field work was general performed in the morning from 7:30 AM to approximately 11:00 AM.

Surveys for avian populations were done using a transect method. Since most to the available habitat is linear in nature transect were located parallel to those features. Also in most instances, the habitat was open and narrow, visual observation was facilitated. In some instances, data was collected using auditory evidence. Playbacks of auditory calls were not used as it was not deemed necessary and was outside the project scope.



The April 24, 2013 field visit was performed specifically to assess the amphibian and reptile populations. To ensure that this was a period of active amphibian breeding, a reference site known to contain wood frogs and spotted salamanders in the general geographical vicinity was checked to ensure these animals were active at the time of the field visit.

Field observation was done by two methods. In the southwest portion of the property (Wetland W1), habitat was checked using transects bisecting the wetland corridor. Methods included visual searches and turning over of cover objects including rocks, trees and stumps.

Wetland W-5 has much different characteristics than wetland W-1 and therefore different techniques were used. Therefore, visual observation was supplemented with dip-netting.

In addition, upland forested areas of the site were traversed using a transect method. Because forest areas are geographically limited it was possible to cover most of the available habitat. No box turtles were noted.

The biodiversity study of the property was performed primarily by Jay Fain. Mr. Fain holds a Bachelor's degree from Cornell University and a Master's Degree in Forest and Plant Ecology also from Cornell University. Mr. Fain has approximately 30 years of experience in terrestrial and aquatic ecology and has participated in the preparation and review of approximately 30 environmental impact statements. From 1988 until 2007 he was the Environmental Consultant and Wetland Inspector to the Town of Lewisboro, New York. Mr. Fain's complete curriculum vitae are included in the Brynwood DEIS.

Mr. Fain was assisted in data collection by Victoria Landau, ASLA. Ms. Landau has a Bachelor's degree in Fine Arts and Botany from Connecticut College and a Master of Landscape Architecture from the University of Massachusetts. Ms. Landau has 30 years of experience in landscape analysis and environmental assessment.

The wildlife studies performed for the Brynwood Golf and Country Club project are complete and thorough. They use existing approved methodologies that allow the project lead agency to:

1. Assess the presence/absence and relative abundance of wildlife on the property including birds, mammals, reptiles and amphibians and fish.
2. Assess the potential for impact(s) to these species.
3. Allow the determination that there are no rare, threatened or endangered species on the project site or immediate geographic area and therefore there will be no impact to any rare, threatened or endangered species.

#### **COMMENT D7:**

*Persons hired by Applicant to conduct the field studies were not qualified.*

- *One of the data collectors is the owner of a landscape architecture and design firm and the other data collector is a licensed landscape architect who works for him. A biodiversity study must be conducted by*



*biodiversity experts and the data must be collected by field ornithologists and field herpetologists. The fact that the field visits were made at the wrong time of the year emphasizes that the data collectors were not qualified.*

*The Applicant fails to meet the requirement that a site specific analysis be conducted. The Lead Agency should require Applicant to conduct an accurate site specific analysis by scientists duly qualified and experienced in conducting such analyses.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

*Not only were the site visits conducted at the wrong time of year, but I also ask the lead agency to note that the persons hired by the applicants to conduct the field studies were not qualified to do so. One of the data collectors owns an architecture and design firm and the other is a licensed landscape architect who works for him.*

*Because the applicant didn't conduct the site visit during the correct time of year to collect accurate data from the species on the property and because the data collectors were not sufficiently qualified to do so, I ask that the agency find that the applicant failed to meet the requirement in the documents as to how the site visits be conducted.*

*(Kerri Kazak, North Castle Open Space Committee, Public Hearing 6/27/13, page 73)*

#### **RESPONSE D7:**

Comments noted. The Town Board has been informed that Jay Fain & Associates LLC has participated in the preparation and/or review of approximately 75 Environmental Impact Statements, and performed over 500 environmental assessments and well over 2,000 wetland delineations, over the past 30 years, for individuals, corporations and local and county governments, and routinely performs biodiversity analyses of the same type required here by the adopted scope. See also Response D6.

#### **COMMENT D8:**

*Comment: Applicant cannot rely on the 2007 North Castle Biodiversity Plan in place of doing its own biodiversity study of the site.*

- *The Applicant states on page III.E-29 that "The information, format and conclusions in this section rely heavily on the North Castle Biodiversity Plan."*
- *The North Castle Biodiversity Plan cannot be relied on for the following reasons:*



- First, the Biodiversity Plan, studied an area on the west side of I-684 and approximately 30 acres on the east side of I-684 on Baldwin Road, known as the DuBos Property. The Study describes I-684 as “an insurmountable obstacle for the vast majority of wildlife species” that “bisects the Town of North Castle into two separate ecological zones, one to the east and the other to the west of I-684.” Because I-684 is an insurmountable barrier for reptiles, amphibians and many mammals one cannot assume that the species that are on one side of the highway are automatically on the other side of the highway. For this reason, the DuBos Property which was initially included in the study area was ultimately excluded from the Plan and no data was collected there. See p 16 of North Castle Biodiversity Plan.
- Second, the majority of the area that was studied in the Biodiversity Study was very wooded. Clearly certain species would be found there that would not be found at Brynwood, another reason that the Biodiversity Study cannot be applied to the Brynwood Property.

(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)

The applicant states that "The information format and conclusions in this section rely heavily on the North Castle biodiversity plan." As a member of the team that commissioned the biodiversity plan, I will explain why it can't be relied on to analyze the species on the Brynwood property. The biodiversity plan is set in an area comprising approximately 970 acres on the west side of I-684. The study described I-684 as "An insurmountable obstacle for the vast majority of species that bisects the Town of North Castle into two separate ecological zones; one to the east and one to the west of I-684. Because it is an insurmountable barrier for reptiles, amphibians and many mammals, you can't assume that the species found on one side of the highway are the same ones found on the other side of the highway."

Furthermore, the majority of the area is very wooded, so clearly certain species found in that area won't be found at Brynwood. That is another reason why a biodiversity study can't be applied to Brynwood. Bottom line, it is simply wrong for the applicant to use a biodiversity study. When I look at the DEIS section of the site specific analysis, I see the applicant was just interested in getting it done. They weren't interested in doing it right. I ask that you require the applicant to do the study right.

(Kerri Kazak, North Castle Open Space Committee, Public Hearing 6/27/13, pages 73-75)

Mitigation Measures The North Castle Biodiversity Study by MCA is generously referenced in the DEIS, however that study was limited to the west side of I-684 from School Street to the Meyer Preserve and beyond. The Dubos Center property along Baldwin Road was excluded as not relevant due to the I-684 barrier. The environmental conditions as well as flora and fauna are likely incomparable.

Identify where some of the strategies suggested by the MCA study can help to mitigate potential environmental impacts.

(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)



**RESPONSE D8:**

The 2007 *North Castle Biodiversity Plan* (the “Plan”) is specifically identified in the adopted DEIS scope as a source of information required to be consulted in connection with the biodiversity analyses in the DEIS. Therefore, the Applicant was mandated to utilize the information contained in the Plan.

More importantly, and as referred to in the North Castle Conservation Board comments, while the Plan is focused on a specific geographical area, many of the findings and recommendations apply to the entire Town of North Castle.

Many of the Recommendations for Implementation contained in the Plan are being applied to the Modified Project. For instance, the Plan recommends that development be concentrated outside the identified biodiversity area, in areas already developed, near hamlet centers, as is the case with the Site, which is developed currently. The Plan further recommends that when considering development proposals, the Town look for opportunities to obtain conservation easements like the easement proposed by the Applicant covering approximately 140 acres of the 156 acre Site. Finally, the Plan recommends that large lot zoning be avoided. Under the Applicant’s proposal, residential units would be clustered on approximately 14.5 acres of the 156 acre Site.

**COMMENT D9:**

*There is no accurate support and data for DEIS statement on P I-6 that “No federal, State, endangered or threatened species of special concern plant or animal occur on the Site.”*

*The Applicant’s data collection on wildlife present on the site is inaccurate and insufficient. There is no accurate support for this statement.*

*Note: When the site was visited by members of the North Castle Open Space Study Committee in April 2003, the members concluded that based on the types of habitats present on the property, it was “probable” that species lived there that are found on the County List of Species that are Threatened, Endangered, or of Special Concern.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

**RESPONSE D9:**

Habitats on the Site, and wildlife present or likely to be present are based on data from the field investigations, the US Fish and Wildlife Service online endangered species website, the 2007 *North Castle*



*Biodiversity Plan*, and correspondence from the NYS DEC Natural Heritage Program. (See DEIS Appendix H for documentation).

**COMMENT D10:**

*DEIS statement on P. I-7 that “Significant impact to wildlife is not anticipated” is unsupported and contradicted by Applicant’s statements in other parts of the DEIS.*

- *Applicant plans to remove 1,007 trees and impact 4.34 acres of the 6.6 acres of wetlands, including dredging of two ponds. This will obviously have a significant impact on the wildlife present.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

**RESPONSE D10:**

Potential impacts to wildlife are described in detail on Page III.E-38 of the DEIS. The Modified Project is designed to utilize, to the extent practicable, already cleared and developed land. The residential component of the Modified Project is designed to be developed where existing tennis courts, maintenance facilities, clubhouse, parking lots, driveways, and cart paths are located. Wildlife utilizing the development area is of the general type associated with urbanized environments. There would be a short term impact during construction. Post-construction, the same urban wildlife would be expected to re-poopulate the area. There could be a slight increase in species abundance as the new residential areas would be more heavily landscaped than the existing condition.

The renovation and expansion of the existing golf course has also been designed to primarily affect existing cleared areas. There will be some limited clearing of the Early Successional Hardwoods and Second-Growth Mixed Hardwoods - 40+ years old. However, the general pattern of land use would remain essentially unchanged. Therefore, wildlife habitat and wildlife usage would remain essentially unchanged from the existing condition.

The removal of trees should be viewed in the context of the entire Site. While 1,524 trees between 8 inches and 24 inches were located by survey, there are many more (tens of thousands) that were not located. Of the 1,524 trees, 879 would be removed for the DEIS project. Most of these trees are of the Early Successional Hardwoods category and are diseased, stressed by vines or are in natural decline. A significant number would have to be culled even if the residences are not developed. The FEIS Modified Project would preserve 66 additional trees within the 100-foot buffer along Route 22, for a total of 813 trees to be removed on-site.

Similarly, while 241 significant trees (24 inch DBH and greater) were surveyed on the Site, there are many more (thousands) that were not survey located. Of the 241 significant trees, up to 128 would be removed



for the DEIS project. The documentation in the DEIS demonstrates that a significant portion of these 128 trees are dead, dying or diseased.

Because the Modified Project includes a 100 foot wide buffer along the perimeter of the Site, fewer trees would be removed than for the DEIS project.

**COMMENT D11:**

*No sources are cited for Table III.E-5 Herpetofauna Diversity, Table III.E-6 Mammal Diversity, or Table III.E-7 Avian Diversity.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

**RESPONSE D11:**

As stated in the DEIS, the source of the wildlife matrices is Jay Fain & Associates, the Applicant's consultant, who performed the field inventory. In addition to field work, the sources for these tables are the NYS Breeding Bird Atlas, the NY Natural Heritage Program, the 2007 North Castle Biodiversity Plan and the Park Place DEIS.

**COMMENT D12:**

*P. III.E-28 states that the Park Place at Westchester Airport DEIS (AKRF, 2011) is one of the documents relied on to create the Vegetation and Wildlife Section of the DEIS. The Park Place DEIS is not relevant.*

- *Copy of Park Place DEIS is not provided. In addition, it is for the development of a site by the airport miles away from the Brynwood site. This is not a valid source of information on wildlife at the Brynwood site.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

**RESPONSE D12:**

Comment noted. The Park Place DEIS is available for review on the Town of North Castle website on the Planning Department page, and is not the sole source of data or information.



**COMMENT D13:**

*DEIS does not address efforts to preserve the trees in the Project Area to the “maximum extent possible” as required by P. 18 of Scoping Document.*

*DEIS does not document why removal of 57% of the trees over 8” dbh is “unavoidable”.*

- *P. I-6 states that 879 trees with a dbh between 8 inches and 24 inches will be removed in connection with the Project plus 128 significant trees (24” dbh or greater) for a total of 1,007 trees to be removed.*
- *P. V-1 notes that the removal of 992 trees over 8” dbh is unavoidable.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

**RESPONSE D13:**

See Response D10.

**COMMENT D14:**

Potential Impacts *It is estimated that 1,524 trees over 8 inches in diameter will be disturbed and approximately 879 will be removed. In addition, 241 trees over 24 inches in diameter are identified to be disturbed and 128 will be removed. This does not include trees under 8 inches in diameter or various shrubs and undergrowth.*

*Describe the meaning of “disturbed”.*

*Identify the areas of “trees to be disturbed/removed” on an existing vegetative conditions plan.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE D14:**

“Disturbed” means that the understory would be removed and replaced with turf or rough fescue. “Removed” means the tree would be cleared and the stump removed or ground.

Areas of tree disturbance are illustrated in DEIS Exhibits III.E-3 and III.E-4. Areas of tree removal are shown on DEIS Exhibits III.E-2A through III.E-2F. Full size copies of these Exhibits are available at the Town of North Castle Planning Department. The areas would be the same for the Modified Project. See also Response D10.



**COMMENT D15:**

Proposed Construction Phasing

*The site is proposed to be significantly disturbed and altered over a period of 2 to 3 years or more.*

*How can the project be staged to minimize disruption of wildlife during that time period?*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE D15:**

Final sequencing and staging for the Modified Project would be determined when more detailed plans are prepared and submitted for site plan approval. Staging would be partly dependent on the outcome of discussions with the Town consulting engineer and the NYSDEC with respect to waiver of the 5-acre disturbance limit under the *SPDES Stormwater Permit for Construction Activities*. Granting of the waiver would allow the construction period to be compressed, thereby limiting the period of potential disruption. See Response P4.

**COMMENT D16:**

Wildlife

*The Brynwood site comprises a significant area of open space in the Town of North Castle. It is part of a wildlife corridor of many hundreds of acres on the east side of I-684 that extends from Sniffen Brook/Redbrooke on the south to Westmoreland Sanctuary on the north. It includes town owned Willow Pond Park and the former Dubos Property as well as extensive rear yards along Chestnut Ridge Road to Westmoreland Preserve and beyond. Bobcats are known to inhabit this area.*

*How will the alteration of this site affect this biotic corridor?*

*How can disturbance to the site be minimized or vegetation enhanced to facilitate opportunities for wildlife survival?*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE D16:**

As stated in the 2007 North Castle Biodiversity Plan a “wildlife corridor is not a narrow, linear green strip between wildlife habitats. It is highly unlikely that such strips, which are often associated with walking trails or bike paths, would be used by most wildlife. Instead, the Metropolitan Conservation Association’s definition of a wildlife corridor is a broad swath of habitat that connects core habitat areas.”

The golf course currently functions as a corridor connecting the properties to the south with those in the north. It would continue to provide those functions post-construction. See also Response D10.



**COMMENT D17:**

*The applicant should memorialize with easements the specific areas of no-mow/naturalized grass areas and vegetated swales so that these areas remain vegetated as intended for the duration of the golf course operation (i.e., not mowed down).*

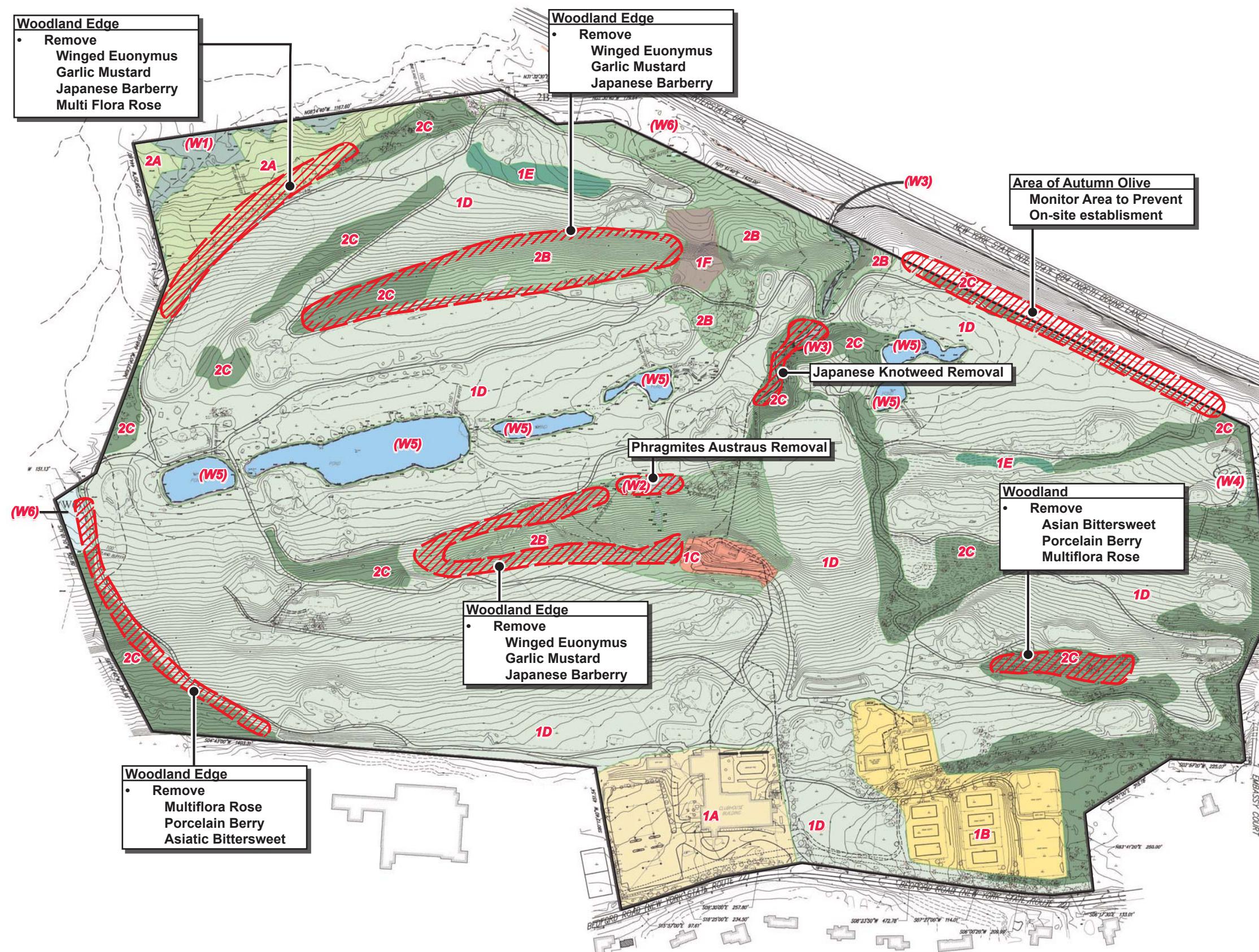
*Conservation easements should also be established for all areas proposed to be vegetated for visual buffering (Bedford Road, proposed maintenance area, etc.), and for all areas containing water quality/stormwater detention BMPs.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE D17:**

Comment noted. The no mow/naturalized areas would be required to be identified on the plans submitted for site plan approval. The required conservation easement would cover the approximately 140 acres used for the golf course. Other areas to be protected (but not in the golf course conservation easement) such as BMPs, no-mow areas, and screening vegetation will be protected by separate easement agreements or other recorded restrictions. See Response B1 and FEIS Appendix S.





#### EXISTING CONDITIONS: VEGETATION DESCRIPTION

##### UPLAND COMMUNITIES CULTURAL

- 1A Clubhouse and Parking lots
- 1B Maintenance Facility and Tennis Courts
- 1C Sewage Treatment Plant
- 1D Maintained Turf (fairways & greens, tees, rough, trees w/fairways)
- 1E Conifer Stands
- 1F Organic Recycling Area

##### TERRESTRIAL FORESTED

- 2A Second Growth Hardwoods-80+Years
- 2B Second Growth Mixed Hardwoods-40+Years
- 2C Early Successional Hardwoods (includes some invasive plant patches)

##### WETLAND COMMUNITIES

- W1 Wooded Wetland
- W2 Hillside Seeps
- W3 Perennial Stream
- W4 Intermittent Stream/Golf Course Drainage
- W5 Open Water
- W6 Disturbed Wetland
- Invasive Plant Removal Areas

Source Jay Fain and Associates

**BRYNWOOD**  
North Castle, New York

*VHB Engineering, Surveying and Landscape Architecture, P.C.*

**Invasive Plant Removal Areas**

Exhibit  
**II.D-1**

## E. Wetlands and Surface Water Resources

### COMMENT E1:

*It is recommended that Exhibit III.H.2 be revised to include a note indicating the proposed area of wetland and wetland buffer disturbance (in square feet).*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

### RESPONSE E1:

Comment noted. The proposed area of wetland and buffer disturbance (in square feet) has been added to DEIS Exhibit III.H.2, included here as FEIS Exhibit II.E-1. Wetland and buffer disturbance are the same with both the DEIS Project and the Modified Project, except for an additional 0.25 acre buffer disturbance in the south west corner of the site near Hole #7 for a relocated stormwater area, as recommended by the Town Engineer. (See Exhibit II.H-3).

### COMMENT E2:

*The applicant states that "There will be no direct disturbance or impact to this wetland (W-4) associated with the residential construction". The DEIS also states "There are no direct impacts to wetlands or watercourses from the renovation of the golf course". Although no direct physical disturbance to the wetlands or watercourses is proposed, the applicant shall clarify which specific forms of mitigation will be implemented to ensure that no direct or indirect disturbance will occur, both during construction and following construction.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE E2:

As noted in the DEIS, no direct impact to any wetland or watercourse is proposed or necessary to construct the proposed residential component of the Modified Project or the renovation of the existing golf course. Compliance with the Town of North Castle Wetlands and Watercourse Protection Law (Chapter 209) would ensure that wetlands and watercourses are not disturbed.

During the construction phase, an independent monitor would be employed at the Applicant's expense to ensure compliance with the **NYS SPDES General Permit for Stormwater Discharges from Construction Activity**. This trained and licensed engineer or landscape architect would perform inspections and provide written reports to the Town consulting engineer on at least a weekly basis. Violations would be reported immediately to the Town consulting engineer. Secondly, periodic inspection would be performed by the Town consulting engineer to ensure compliance.



Post construction, the Site would continue to be regulated under the Town Wetlands and Watercourse Protection Law. Any future modification of the golf course would be subject to both the Town Wetlands and Watercourse Protection Law and to site plan review by the Planning Board. Any violations would be subject to prosecution under the Town Wetland and Watercourse Law and also subject to an enforcement action for violation of an approved site plan.

The following specific mitigation measures will be implemented during construction:

- Silt and/or snow fence will be installed around protected areas, and inspected by the independent monitor and Town personnel, including the Town consulting engineer, before site disturbance. These physical barriers will include signage in English and Spanish that no disturbance and/or machinery access is allowed in the protected areas.
- Periodic inspection of storm water management measures by the independent monitor and Town personnel, including the Town consulting engineer.
- Notations will be placed on all project plans identifying protected areas.

The following specific mitigation measures will be implemented post-construction:

- Approximately 141 acres of the Site comprised of the golf course (which includes all wetlands, watercourses and wetland/watercourse buffers) will be subject to a permanent conservation easement that will permit the conserved land to be used only for a golf course and related uses, or as open space.
- Periodic inspection by of storm water management measures by the independent monitor and Town personnel, including the Town consulting engineer.
- Installation of concrete or similar type monuments denoting protected areas.

#### **COMMENT E3:**

*The applicant lists certain forms of mitigation which are intended to offset the impacts to the site's wetland buffers. The stated mitigation measures include:*

- *Water quality basins.*
- *Stormwater management plan/BMP's. Use of native, non-invasive plantings.*
- *Implementation of new ITPMP and reduction of fertilizer/pesticide use.*
- *Low-maintenance grasses/vegetative buffer strips.*

*It is noted that the implementation of water quality basins and stormwater BMP's cannot be considered wetland mitigation. These stormwater improvements are required as part of the applicant's obligations under the NYSDEC SPDES Stormwater General Permit (GP-0-10-001) and the Town's Stormwater Ordinance. In addition, the applicant states that the use of native, non-invasive plantings is a form of mitigation. The use (and approval) of native plantings within the Town is always encouraged and is required within the limiting distance*



(100') of a regulated wetland. The "Mitigation Proposed" table presented in the DEIS (Table III.H-3) should be revised and presented in the FEIS with updated acreages based on the discussion above. Other appropriate forms of mitigation and/or larger areas of acceptable mitigation should be included in the FEIS and accompanying plans.

(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)

**RESPONSE E3:**

Comment noted. The proposed water quality basins would not qualify as "compensatory mitigation" under the Town Wetlands and Watercourse Protection Law, but would nevertheless improve water quality and are thus appropriately considered mitigation for potential water quality impacts.

No wetlands would be directly impacted so no compensatory mitigation would be required.

Approximately 4.59 acres of Town regulated wetland buffer is proposed to be disturbed as part of the golf course restoration/enhancement. Of the 4.59 acres, 3.57 acres is existing turf and 1.01 acres is early Second Growth Successional forest. The Town Wetlands and Watercourse Protection Law generally requires compensation for unavoidable buffer losses at a ratio of 2:1, unless the Town determines it is not practicable. The Applicant is not proposing to compensate for the disturbance of the existing 3.57 of existing turf area as it would be impracticable. However, mitigation to the impacts to the approximately 1.01 acres of buffer that is early Second Growth Successional forest would take many forms (See DEIS page III.H.25), including a total of 3.19 acres of wetland creation and buffer enhancement, a ratio of almost 3 to 1, which is in excess of the 2:1 ratio.

**COMMENT E4:**

General Comments Reference is made to Sniffen Brook throughout the DEIS. This stream has been locally known as Redbrooke. The name is presently used as nearby Redbrooke Place and Redbrooke Glen Subdivision located contiguous with the south property line of the Brynwood Site.

Determine the historically correct name for this brook and correct references as needed.

(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)

**RESPONSE E4:**

The USGS Mount Kisco topographic quadrangle map and the NYSDEC Environmental Mapper both identify this surface water feature as Sniffen Brook. The use of the published name would lead to less confusion than the colloquial or common name.



**COMMENT E5:**

Wetland Communities (and Watercourses) Wetland -1 and Wetland - 6 lie contiguous to wetlands along Sniffen Brook/Redbrooke and Town Conservation Easements within the Redbrooke Glen Subdivision and are contiguous to the Brynwood site.

*Include reference to and show the extensive Conservation Easements related to Redbrooke Glen Subdivision on Exhibit III.A-1 and III.E-1 or on an appropriate site plan.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE E5:**

The original subdivision plat for the Red Brook Glen Subdivision shows the area of that property located to the north of the Site encumbered by deed restrictions and/or conservation easements. A copy of this plat is included in this FEIS as Exhibit II.E-2. It should be noted that the restrictions do not encumber or affect the subject Site and that no activity is proposed or necessary on the Red Brook Glen property.

**COMMENT E6:**

Wetlands & Surface Water Resources Table III.H-1 shows 6.61 acres of wetland and 25.98 acres of town-regulated buffer/adjacent area. Text on page III.H-3 indicates 6.61 acres of wetland and 24.34 acres of town regulated buffer, a difference of 1.64 acres.

*The correct acreage for town regulated buffer/adjacent area should agree and be noted on table III.H-1 and as related to text on pages H-3 to H-6.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE E6:**

Comment noted. The text (24.34 acres) is incorrect while Table III.H-1 correctly reflects the total amount of regulated wetland buffer (25.98 acres).

**COMMENT E7:**

Byram River Watershed Plan Although this study was included as a Reference, the essential recommendations of the plan related to the Brynwood project were not identified. The Brynwood property is one



of the largest in the Upper Main Stem of the Byram River. Concerns that were identified are sources of pollution, sewage, bacterial contamination, parking areas, additional impervious areas, landscape maintenance, golf courses, storm water controls, sediment from upstream construction, stream bank erosion and the like. The study was a federal, interstate, county and local agency project.

Provide a website link to the Byram River Watershed Plan and describe the relevant sections related to the proposed Brynwood Proposed Project.

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

#### RESPONSE E7:

A copy of the **Byram River Watershed Management Plan** is available at the flowing web address:

[http://www.ct.gov/deep/lib/deep/water/watershed\\_management/wm\\_plans/byram\\_wbp2012att.pdf](http://www.ct.gov/deep/lib/deep/water/watershed_management/wm_plans/byram_wbp2012att.pdf)

The management goals recommended in the plan are as follows:

#### 4. WATERSHED MANAGEMENT PLAN GOALS & ACTION PLAN

##### 4.1 Watershed Management Plan Goals

The central goal for the Byram River is to improve its water quality and habitat. Based on the analysis of available data, the following list of goals is proposed for the Byram River Watershed Management plan.

- A. Provide Data Support: Create a structure and process to acquire, share, and analyze baseline and monitoring data for the river and watershed.
- B. Nonpoint Source Reduction: Diminish or eliminate nonpoint sources of pollution into the Byram including (but not limited to) pathogens, nutrients, sediment, floatables, metals, pesticides, temperature, and sodium.
- C. Improve Base Flow and Minimize Peak Flow: Encourage appropriate studies to determine why the Byram River floods and what alternatives should be considered to improve base flow and minimize peak flow.
- D. Promote Sustainable Land-use: Encourage land-use practices and planning that contribute to the ecological health of the river.
- E. Protect Riverine Habitat: Protect, restore, and enhance habitat for fish, aquatic life, and wildlife within the channel and riparian corridor.
- F. Protect Upland and Non-riverine Landscape: Conserve, protect, restore, and enhance critical landscape located in the upland watershed that contributes to the health, stability, and value of the river.
- G. Protect and Promote Compatible Recreational Uses: Protect, restore, promote, and enhance portions of the river to compatible recreational uses as appropriate



The Modified Project would be generally consistent with the objectives of the Byram River Watershed Management Plan and would specifically advance the goals of water quality and habitat improvement.

**COMMENT E8:**

*Based on the applicant's proposed method of pond dredging, the ponds will need to be dewatered to allow for construction equipment (backhoes, dump trucks, etc.) to access the (dewatered) pond area. Traditionally, this form of dredging has the potential for causing significant erosion due to haul roads, stockpile of wet dredged spoils ("slurry"), etc. The applicant shall prepare a specific pond dredging sequencing plan showing precise locations of staging areas, soil stockpile areas, haul roads, routes of water return locations. A specific plan shall be prepared illustrating the entire operation with a detailed sequence plan.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE E8:**

Comment noted. As part of the site plan approval process, the Applicant would be required to prepare a detailed dredging sequencing and staging plan in compliance with the recommendations of the Town's consulting engineer.

**COMMENT E9:**

*While pond expansion will require construction equipment, have any alternative methods of dredging of the existing ponds been explored by the applicant? For example, hydraulic dredging has been shown to result in significantly less site disturbance. A barge with cutter heads breaks up the deposited spoils and is pumped to a designated "decant area" where the pond spoils are allowed to dewater. As the soils dewater, the water flows back to the pond through a gravity piping system. No earthmoving equipment is necessary to transport pond spoils from place to place. Hydraulic dredging does not require the pond to be completely drained of water. In fact, a minimum of a few feet of water is required to be maintained within the pond to allow for the dredge barge to maneuver throughout the pond during dredging operations.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE E9:**

Comment noted. The feasibility of the pond dredging is being evaluated by the Applicant, and the Modified Project could proceed without the dredging operation. The dredging would not be performed unless an



appropriate “Beneficial Use Determination” is received from the NYSDEC. If the dredging is ultimately proposed to be performed, the methodology would be determined as part of the site plan approval process.

**COMMENT E10:**

*Has the pond dredging been considered in the cut and fill analysis performed for the project? If hydraulic dredging proves to be a viable option, it may be possible for dredged spoils to be pumped directly to areas of the golf course requiring fill material. This could reduce the number of dump truck/construction vehicle trips throughout the golf course and further reduce the potential for soil erosion and sedimentation of the downstream wetland areas.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE E10:**

The pond dredging material has been considered in the preliminary, overall cut and fill calculation presented in the DEIS.

The quantity of material has been re-estimated to be 8,000 cubic yards (CY) rather than 15,000 CY originally estimated in the DEIS. Thus, the 17,500 CY excess excavation to be used for practice range improvements and miscellaneous fill as noted in the DEIS is corrected to 10,500 CY, and the total earthwork is reduced from 109,700 CY to 102,700 CY. If an appropriate “Beneficial Use Determination” is received from the NYSDEC in order to permit the dredging, the material will be disposed of in upland areas of the Site. If a Beneficial Use Determination is not received then the ponds will not be dredged and the earthwork quantity would be lowered by another 8,000 CY.

Assuming the ponds will be dredged, there are two methods of pond dredging commonly used in Westchester County, which are mechanical dredging and hydraulic dredging. The key points for each method are as follows:

**Mechanical Dredging:**

- Dewater the pond(s) prior to dredging by pumping out and discharging water downstream. Also, stopping the inflow of water from any upstream ponds by either blocking inlet or redirecting inflow around the pond being dredged. The dewatering process can be made difficult if storm events occur during dredging activities.
- Complete mechanical excavation of the ponds. Mechanical excavation offers somewhat more control over what the final pond bottom contour will be compared to the hydraulic dredging method.
- Stockpile dredged sediments to allow water to drain. Potential stockpile locations are indicated on the Overall Grading Plan.



- Allow pond to refill.
- Move sediments to final destination after drying.

#### Hydraulic Dredging:

- Conducted typically using a barge with an underwater cutter head assembly to ‘vacuum’ sediment from the bottom of the pond.
- Pump the water carrying the soil to a natural or constructed depression on land to be filled.
- Allow the water to drain back into the pond with the soil deposited in the depression. Continue with operation until the depression is filled to the desired elevation.

#### **COMMENT E11:**

Pond Dredging and Wetland Enhancement      *Excavation of an estimated 15,000 cubic yards of soil and sediment is proposed. It is usually stockpiled to dry and in this project used on site?*

*Where will the dredged material be used and how will it be transported to a final destination?*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

#### **RESPONSE E11:**

Comment noted. See Responses E9 and E10.

#### **COMMENT E12:**

Beneficial Use Requirements      *The Applicant must receive a Beneficial Use Determination from NYS DEC for pond dredging.*

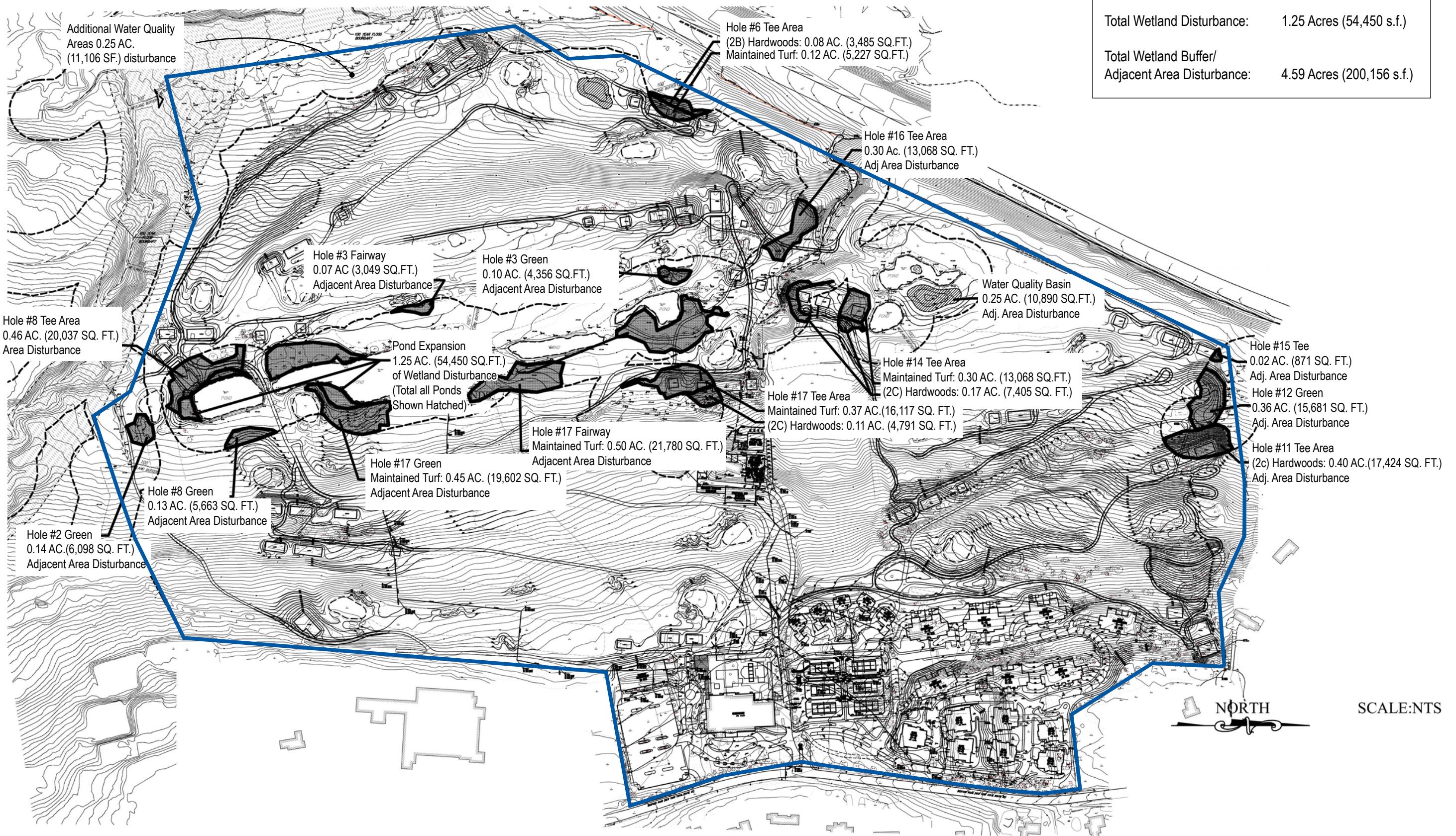
*If the Applicant does not dredge the ponds, will the previously mentioned enhancement marshes still be created.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

#### **RESPONSE E12:**

Comment noted. If a “Beneficial Use Determination” is not received, the Applicant would still create wetland enhancement areas, but they would likely be smaller because of the constraints posed by existing pond elevations. See Responses E9 and E10.





Source: Jay Fain & Associates

**BRYNWOOD**  
North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, P.C.

**Wetland & Wetland Adjacent Disturbance**  
(Revised DEIS Exhibit III.H-2)

Exhibit  
**II.E-1**



## F. Hydrogeology, Groundwater and Water Supply

### COMMENT F1:

*The DEIS states that all potable water will be provided with on-site wells. The DEIS also talks about the potential for expansion of Water District #2 to incorporate the subject site. The Applicant should indicate whether expansion of Water District #2 scenario will be pursued. If so, the Applicant should provide additional information at this time. What approvals are required and would there be any cost to the Town from this option?*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*The draft EIS presents two scenarios regarding the increase in water supply necessary to accommodate the addition of 88 residential units. The country club currently uses two on-site wells for irrigation purposes when the on-site ponds do not contain sufficient water to be utilized. Potable water for the clubhouse operations is obtained from Town Water District No. 2 under an “out of district” user agreement. To accommodate the additional development, the draft EIS discusses the potential drilling of additional on-site wells to supply all potable water needs on the site. If this were to occur, the applicant would end its “out of district” consumption of water from the Water District. A second option, if on-site wells were determined to be infeasible, would be to petition the Town for inclusion into Water District No. 2.*

*While the draft EIS states that well testing will have to be undertaken to determine the feasibility of an on-site well water supply system, we have been advised that subsequent to the circulation of the draft, test wells were drilled, with County Health Department approval, and the availability of sufficient supply was demonstrated. Further, it is our understanding that the Town Water District must make major infrastructure improvements and upgrades whether or not the golf course property joins the district or stops drawing on the water supply as an out-of-district user.*

*As the County Department of Health always promotes a centralized water system rather than decentralized systems, the County Planning Board encourages the applicant, the Town and the Water District to work toward adding the country club property to the water district as it would strengthen the viability of the existing district. The applicant should be willing to contribute the equivalent cost of construction for the on-site well water supply to the Water District in exchange for inclusion in the district, and the lower usage rates such inclusion will provide.*

*(Letter #9, Edward Burroughs, AICP, Westchester County Board, 8/6/13)*

*The project is projected to have an average daily water usage of 51,955 gallons to be supplied from onsite bedrock wells. The bedrock groundwater recharge of the site is expected to be 54,340 gpd during drought conditions based on historical precipitation data. Furthermore, irrigation of the golf course averages 51,240 gpd with a maximum day of 193,000 gallons and a peak month of 2,298,000 gallons or approximately 76,600*



gpd. The irrigation system would be supplied from two (2) bedrock wells presently producing 80 gpm or 115,200 gpd. Assuming a 30% increase in irrigation water required during drought conditions, it can be expected that irrigation would use approximately 70,000 gpd. The combined irrigation and domestic usage could require approximately 121,000 gpd during drought conditions, while recharge is estimated at 75,340 gpd ( $54,340 + 70,000 \times 0.30 = 75,340$ ), approximately 38% less than required withdrawal.

The applicant has evaluated North Castle Water District #2 servicing the Windmill neighborhood and provides documentation that the aquifer contains an abundant amount of groundwater available for withdrawal. Expansion of the District would require new wells, contact storage, pump upgrades, etc. Although the applicant is pursuing an on-site community water system, the expansion of the Windmill system may very well prove to be the most financially prudent alternate for both the Brynwood and Windmill communities. Although, annual budgets may increase slightly, the expansion of the customer base would be expected to reduce annual costs and future bond indebtedness cost to existing North Castle Water District #2 customers. The applicant should provide a detailed financial evaluation of North Castle Water District #2, with inclusion of the Brynwood project. The evaluation should outline the capital costs to be provided to the Windmill infrastructure, which is required to service the Brynwood project, the reduction in water rates resulting from the expanded district consumer base and the reduction in annual bond payments per customer based on the expanded customer base. It would also be helpful to outline the capital improvements to be constructed within North Castle Water District #2 by the Brynwood project and the pending capital improvements for replacement of water mains.

(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)

*They have said on the one hand that they may have water on their property. On the other hand, that they may wish to join water district number two. I don't know what the analyses are of their water. I believe I've seen some things where they've done test wells and drilled test wells. I would find it much preferable if they would tell us which option they are going to go with, which option is more likely.*

(Pete Coviello, Public Hearing 7/10/13, pages 11-12)

#### **RESPONSE F1:**

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 are 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 this FEIS. The Town consulting engineer concluded that the wells "were appropriately tested," and confirmed that "the results clearly indicate 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" (See Comment F16). An on-site public water system is therefore feasible.

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 Town of North Castle Water District No. 2 Windmill Farms system (see 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 proposed action 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 since agreed to petition for extension of Town Water District No. 2 to encompass the Site, in accordance with New York Town Law Article 12. 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, and new replacement piping to serve both the Modified Project and the Coman Hill School, as detailed in Exhibit II.F-3, Preliminary Cost Estimates – WD #2 (updated March 2015). 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 99,810 gpd that is the calculated peak water demand which is twice the average water demand of 49,905 of the Modified Project. The Applicant would also bear the cost of the necessary maps and plans for the extension.

It should be noted that water demand will be slightly less with the Modified Project than with the DEIS plan. (See FEIS Tables I-2 and I-6.)

The Applicant has met the requirements of the EIS scoping document regarding potential onsite potable water supply. The onsite bedrock wells were yield tested and demonstrated a capacity of more than twice the average water demand of the Modified Project; an offsite well monitoring program was conducted during the yield tests which showed no significant impacts to offsite homeowner wells from onsite pumping; and water-quality analyses were completed on samples collected from the wells, all in accordance with accepted and well established methodologies and protocols. No additional studies are necessary to support onsite potable water supply, which, if proposed in the future by the Applicant, would not present any potentially



significant adverse impacts not already addressed, or inadequately addressed, in this FEIS, and therefore a supplemental environmental impact statement would not be warranted.

**COMMENT F2:**

*We recommend removing the sentence "None of the existing on-site wells are currently used or proposed for future use as potable water sources", as currently the applicant is seeking to use newly drilled Wells #1, #2B, #3, #5 and #6A as water supply wells that will support the development.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F2:**

Comment noted. The sentence is deemed to be deleted.

**COMMENT F3:**

*The DEIS states that two existing irrigation wells (Wells #4 and #5) located in the central portion of the golf course were sampled for herbicides and pesticides. The wells were free of constituents of concern; however, as part of the future hydrogeologic analysis, we would recommend re-sampling of these wells. In addition, we would recommend that the following additional wells be sampled for herbicides and pesticides: Well #TW-A (as shown on Exhibit III-J-1), Well #2B, and Well #TW-5. In addition to a background (pre-construction) sample, these wells should be sampled on a quarterly basis throughout the construction period and during the 'grown-in' phase of the golf course, as well as on an annual basis for three additional years following completion of construction and grown-in phase of the course. The sampling plan should include a provision to increase the sampling frequency should the sampled groundwater from any of these wells contain detectable concentrations of herbicides and/or pesticides.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F3:**

Wells 1, 2B, 3, 5 and 6A were sampled during their respective 72-hour pumping tests for the herbicide and pesticide constituents identified in the New York State Department of Health (NYSDOH) Sanitary Code, Part 5, Subpart 5-1. The only detected constituent is the chlorinated herbicide picloram (trade names Tordon/Grazon) in Wells 2B, 3 and 5. The trace detections of picloram in Wells 2B, 3 and 5 were at concentrations of 0.85 ug/l, 0.22 ug/l and 0.49 ug/l, respectively. These concentrations are below both the NYSDOH Principal Organic Compound (POC) criteria limit of 5 ug/l and the Unspecified Organic Compound (UOC) criteria limit of 50 ug/l.



The Club has no record of the purchase of picloram or of its use on the golf course in the past. In addition, picloram is not a typical chemical used in golf course maintenance and is known to be used primarily for tree and brush control by power companies.

Additional water samples were collected from Wells 2B, 3 and 5 on July 23, 2013 and analyzed for picloram to confirm the reported detections in the original samples were not a result of laboratory error. The resampling resulted in reported detections of picloram in Wells 2B, 3 and 5 at concentrations of 0.80 ug/l, 0.56 ug/l and 1.1 ug/l, respectively. These concentrations are also below both the NYSDOH POC criteria limit of 5 ug/l and the UOC criteria limit of 50 ug/l.

Based on follow-up communication with the Town consulting engineer, LBG, the Applicant's consultant, is preparing a groundwater sampling plan for the development of the Site. Groundwater samples would be collected from three onsite wells (Well 1, Well 5 and Irrigation Well 4) which are spaced throughout the Site. The samples would be analyzed for nitrate, nitrite, total phosphorous and a list of herbicide and pesticide compounds that would be selected based on a risk assessment of herbicides and pesticides that are currently applied to the golf course. The frequency of sampling during the pre-construction phase, construction/grow-in phase, and post-construction phase would be detailed in LBGs groundwater sampling plan. The determination of frequency and timing of the sampling would be based on an assessment of the application practices of these chemicals at the golf course, and would likely take place three times per year. The sampling plan would include a provision to increase the sampling frequency should the sampled groundwater from any of these wells contain detectable concentrations of herbicides and/or pesticides.

#### **COMMENT F4:**

*The applicant has proposed a surface water sampling program to monitor stormwater runoff water quality from the site. One sampling location has been proposed at the central stream channel downstream of the confluence of the irrigation pond outfall and wastewater treatment plant discharge point. We would recommend that additional collection and monitoring points along the westerly property boundary be included in the program. The sample locations would coincide with the stormwater discharge points indicated on the Proposed Drainage Area Map (total of five).*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

#### **RESPONSE F4:**

Based on follow-up communication with the Town consulting engineer, LBG, the Applicant's consultant, has prepared a revised (March 2015) surface-water sampling plan for the development of the Site, which is in Appendix H. Currently, the only perennial surface-water location along the western property boundary (where surface water exits the Site) is the central stream channel which receives outflow from all of the onsite ponds and the existing waste water treatment plant.



Following build-out of the Modified Project, two additional sampling locations would be considered on the northwestern and southwestern areas of the Site. Based on the final design and construction of the storm-water control features in these areas, if surface-water flow is present following storm events when surface-water sampling events are conducted, samples would also be collected from these additional locations.

**COMMENT F5:**

*The surface water monitoring frequency, as proposed, includes one year of background (pre-construction) sampling and sampling for a period of five years from the start of construction. It is recommended that the monitoring be extended to five years from the completion of the project before the two year reduced monitoring program is initiated. This extended sampling will capture the grow-in time for the turf and provide extended data trends to support the success of the Integrated Turfgrass and Pest Management Plan (ITPMP).*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F5:**

Comment noted. The surface-water sampling plan in Appendix H includes the sampling frequency

**COMMENT F6:**

*There are no provisions for groundwater sampling proposed by the applicant. This office recommends, as is recommended in the Phase I ESA, that groundwater sampling be performed at representative on-site wells. See Comment III.J-4 for recommended well and sampling frequencies.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F6:**

See Response F3.

**COMMENT F7:**

*The calculated bedrock aquifer recharge during a 30-year drought is 54,340 gpd after project build-out and the average daily demand for the project is 51,955 gpd. Given that the calculated 30-year drought recharge for the property is just above the average day demand without consideration of the impact of irrigation withdrawals on the water budget, we would recommend that the FEIS discuss that during times of 30-year drought, the recharge may be lower than the demand for groundwater and irrigation water at the property.*



*In this regard, and while we understand that the watershed acreage and recharge values have been conservatively estimated, the FEIS discussion should include how the proposed on-site water supply wells could be monitored in the event of a 30-year drought to ensure that the demand can be met and what groundwater use reduction measures could be put in place during a drought (i.e., reducing or eliminating the use of groundwater based irrigation water during summer months and/or requiring certain water use restrictions of future residents). This discussion could be included in Section 2f, Potential Impacts to Groundwater Recharge, Quality, and Quantity or Section 3, Mitigation Measures of the FEIS.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F7:**

Comment noted. The recharge values for normal and drought precipitation were calculated by LBG as part of a “desk top evaluation” for the hydrogeologic assessment of the Site. The simultaneous 72-hour pumping test conducted on Wells 1, 2B, 3, and 5 and Irrigation Wells 4 and 5 demonstrated a stabilized yield of 185.5 gpm or 267,120 gpd which far exceeds the calculated recharge.

The Applicant would abide by the Westchester County “Drought Emergency Plan” and water conservation measures identified in the County Water Conservation Law, Chapter 693 of the County Administrative Code. Water conservation measures prescribed in Chapter 693 would be initiated upon the declaration of a drought emergency by the County Executive and/or the Westchester County Department of Environmental Facilities. Copies of the “Drought Emergency Plan” and the Water Conservation Law are included in Appendix I. Water conservation strategies for the golf course are described in the revised ITPMP (see FEIS Appendix M).

**COMMENT F8:**

*The DEIS indicates that grey water from the on-site treatment sewage plant may be used to supplement the ponds and irrigation wells to provide a substantial and “green” source of irrigation water. It is our opinion that the FEIS should specify the quality of the proposed grey water that could be applied and indicate compliance with NYSDEC Surface Water Discharge Standards.*

*In addition, we would recommend that the second paragraph of Section 2a be modified to indicate that yield and water quality testing has already been conducted. Similarly, the third paragraph discussing the results of the pumping test should be updated to indicate that the test well drilling results have been favorable from a water supply perspective.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*



**RESPONSE F8:**

Comment noted. The grey water that could potentially be used as a source of irrigation water would be required to meet or exceed NYSDEC Surface Water Discharge Standards.

See Response F1 regarding pumping test results.

**COMMENT F9:**

*The DEIS in calculating fire flow volume uses a required minimum flow of 1,000 gpm. In our experience, fire flow requirements for multi-family units are typically 1,250 gpm and flows for large buildings similar to the clubhouse are even higher. Fire flow is typically determined based on building volume, occupancy type, type of construction and other related factors. The fire flow rate will differ between the multi-family units and clubhouse building. The preparer will need to provide the calculations used in determining fire flow requirements for the various on-site buildings.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F9:**

The Applicant retained the services of OLA Consulting Engineers to perform an analysis in order to estimate fire flow requirements for the various on-site buildings (see Appendix V). The analysis considered the fire hazard classification, size, spacing, and composition of the buildings. The analysis was used to establish a required fire flow rate (gallons per minute) and fire flow storage volume (gallons) for the various buildings. The resultant minimum required rates and volumes for the various building types ranged from 750 gpm and 22,500 gallons for the Clubhouse, 1,500 gpm and 90,000 gallons for the condominium and affordable residence building/guest lodging<sup>1</sup>, and 1,000 to 1,500 gpm and 120,000 to 180,000 gpm for the Club Villas<sup>2</sup>.

If the petition to extend Water District No. 2 is not granted, then the Applicant will provide its own on-site water system, which has been proven feasible by a recent program of drilling and testing the quantity and quality of several on-site water supply wells, and an on-site storage tank will be required for domestic usage and fire protection. The domestic usage has been estimated to be approximately 50,000 gallons per day, based on the NYSDEC Standards. For design and permitting, the wells must be capable of supplying two (2) times the daily flow with the highest producing well assumed to be out of service (2 times 50,000 equals 100,000 gpd). The on-site water storage tank would have a capacity of 225,000 gallons, which meets and exceeds the minimum requirement for traditional roofing materials.

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<sup>1</sup> Formerly referred to as “Fairway residences” in the DEIS.

<sup>2</sup> Club Villas no longer proposed. The modified project includes 5 golf cottages in their place on the plan.



Regardless of the source of water, the on-site distribution system consisting of water mains, fire hydrants and building sprinkler service connections for the project will be designed, approved and constructed to provide more than adequate hydraulic capacity to meet the minimum required domestic and fire flow rate.

See letter from OLN Consulting Engineers in Appendix V.

**COMMENT F10:**

*The estimated potable water demand listed on Table III.J-1 appears to be appropriately calculated. However, clarification should be provided as to how the "Golf Course" demand was calculated. Specifically, how 2,000 s.f. of golf course was arrived at in the calculation.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F10:**

The table should read “Golf Course Maintenance Shed.” A revised table is provided below for the Modified Proposed Action.

**Table II.F-1**  
**Potable Water Demand**

Usage Type	Subcategory	Number	Water Usage Rate	Water Demand (gpd)	Water Demand (gpm)
Residential	2-bedroom residence	77 units	300 gpd/2-	23,100	16.0
	4-bedroom residence	11 units	475 gpd/2-	5,225	3.6
	Seasonal employee	12	75 gpd/person	900	0.6
	Guest Suites	5 suites	120 gpd/room	600	0.4
Clubhouse	Club Members Peak Day	400	25 gpd/ member	10,000	6.9
	Restaurant/Bar	100 seats	35 gpd/seat	3,500	2.4
Banquet Hall		250 seats	20 gpd/person	5,000	3.5
Employees		92	15 gpd/person	1,380	1.0
Golf Course Maintenance Shed		2,000 sq. ft.	0.1 gpd/sq.ft.	200	0.1
<b>Average Water Demand</b>				49,905	34.7
<b>Twice Average Water Demand</b>				99,810	69.3

Source: LBG



**COMMENT F11:**

Sustainable Stream Flows Reference is made to using on-site wells to keep the ponds filled because of “the large amount of water withdrawn ... on a daily basis to irrigate the golf course”.

*During a drought period could this water use affect the well water supply on adjacent properties?*

*Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE F11:**

Existing irrigation Wells 4 and 5 are pumped into the onsite irrigation pond (Pond 2) to supplement the surface-water used in irrigation of the golf course and to maintain the level of the pond. Irrigation Wells 4 and 5 have been in-service for a number of years supplying irrigation water to the golf course, and were not drilled for the Modified Project.

Irrigation Wells 4 and 5 were included in the 72-hour pumping tests conducted in May 2013 to show that the existing irrigation wells and new proposed water-supply wells could be pumped simultaneously. The results of the pumping tests are discussed in LBG’s report “Brynwood Golf & Country Club, Groundwater Exploration and 72-Hour Pumping Test Program, Armonk, New York” dated June 2013 (DEIS 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 this FEIS. The offsite well monitoring program conducted as part of the 72-hour pumping tests showed water-level interference in two wells on Blair Road as a result of pumping of Irrigation Wells 4 and 5. See also Responses F12 and F13. Water is now proposed to be supplied by Water District No. 2, with existing on-site Irrigation Wells 4 and 5 continued to be used only for irrigation.

Conducting additional pumping tests on Irrigation Wells 4 and 5 to establish a maximum pumping rate which does not interfere with existing wells is not warranted. The pumping test conducted in 2013 and the offsite water-level drawdown information obtained during that test program showed that even with the proposed onsite supply wells pumping at more than 3 times the Modified Project’s average water demand and with the two existing irrigation wells pumping concurrently, the drawdown measured in some offsite wells at this high withdrawal rate would not have any significant impact on these wells.

The stabilized pumping rates in Irrigation Wells 4 and 5 at the end of the pumping test were 32 gpm and 40 gpm, respectively. As discussed in LBG’s pumping test report, these are the maximum pumping rates that the equipment installed in the wells can produce, and these are the rates at which existing Irrigation Wells 4 and 5 have been pumped for many years with no reported detrimental impact to offsite wells.

If interference effects in offsite wells from pumping in Irrigation Wells 4 and 5 remains a concern, the implementation of an Offsite Well Monitoring Program can be conducted. Water-level monitoring equipment would be installed in 30 and 34 Blair Road (assuming permission is granted) to assess water-level interference from irrigation pumping for a one-year period. Water usage and pumping rates in Irrigation



Wells 4 and 5 would be reviewed during that period to confirm that the operation of these wells matched average or above-average irrigation use for the golf course. If no significant well interference occurs in the offsite wells during the monitoring period, the program will be ended. If drawdown interference of concern is observed in the offsite wells or if the onsite irrigation well use during that one year period is below historical average due to precipitation conditions, the monitoring program would be extended until adequate information is collected.

If one or more of the newly drilled wells (Wells 1, 2B, 3, 4, 5, or 6A) is incorporated for use as an irrigation well in the future or if the development of an onsite potable water supply is pursued, the completion of an additional Offsite Well Monitoring Program may be warranted if the well(s) selected for future use were determined to have caused offsite water-level drawdown during the 72-hour pumping tests conducted.

**COMMENT F12:**

*We would recommend that the FEIS include a 2-year, long-term water level monitoring program for wells that showed interference effects during the two pumping tests. These wells include #8 Embassy Court and #26, #30 and #34 Blair Road.*

*In addition, the FEIS should include a discussion of the anticipated effects that could be observed in other private wells in the area that were not included in the off-site monitoring that was conducted (including vacant lots).*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F12:**

The Applicant's consultant, LBG, has prepared an Off Site Well Monitoring Program to conduct a minimum of 2 years of offsite water-level monitoring following the placement of the proposed new water-supply into service, to assess potential offsite well interference effects. A copy of the Program is in Appendix J. Water is now proposed to be supplied by Water District No. 2, with existing on-site Wells 4 and 5 continued to be used only for irrigation. If one or more of the newly drilled wells is incorporated for use as an irrigation well in the future, the completion of an Offsite Well Monitoring Program may be warranted if the well was determined to have caused offsite water-level drawdown during the 72-hour pumping tests conducted.

A map showing a fracture-trace analysis and offsite wells included in the 72-hour pumping test program is included as Exhibit II.F-1. The locations of the project test wells (Wells 1, 2B, 3, 5 and 6A) were selected to target the fracture traces identified along the southern property boundary and through the central area of the Site while still maintaining regulatory offset distance requirements for potable water-supply wells.

Water-level interference effects were measured in four offsite wells monitored during the simultaneous 72-hour pumping test on Wells 1, 2B, 3 and 5 and Irrigation Wells 4 and 5. Drawdown was measured in three



wells to the south of the Site at 34, 30 and 26 Blair Road of 13 feet, 13 feet, and 1 foot, respectively. The majority of the drawdown observed (approximately 9 feet) in 34 and 30 Blair Road is attributed to the pumping of existing Irrigation Wells 4 and 5. The wells at 34 and 30 Blair Road are located near two prominent fracture-trace lineations located near the Site's southern property boundary and also the fracture trace lineation that passes through the central portion of the Site from north to south. It is likely that other offsite wells located in this area to the south of the Site (Blair Road and Willow Pond) which the owners of which elected not to participate in the monitoring program, as well as vacant parcels in the area which do not have existing wells, would also experience water-level interference from pumping of the onsite wells similar in magnitude to the effects observed at 26, 30 and 34 Blair Road. No water-level interference was measured in the wells located at 6 Colonial Court and 70 Old Byram Lake Road, so it also appears that the interference diminishes rapidly with increasing distance from the Project wells and/or the fracture-trace lineations.

Water-level drawdown of 11 feet was also measured in the well at 8 Embassy Court during the simultaneous pumping test. The water-level interference in this well was attributed to the pumping of proposed Well 5. No other wells monitored in close proximity to Well 5 or 8 Embassy Court showed water-level interference during the pumping test. The well at 8 Embassy Court is not located on any prominent fracture-trace lineations identified in the fracture-trace analysis. However, water-level interference was observed; therefore it appears that the interconnection between the wells is through minor water-bearing fractures in the vicinity that do not show up as surface expressions. Based on the water-level drawdown in Well 5 during the test (143.8 feet) and the drawdown measured at 8 Embassy Court (11 feet) and the absence of interference in the other wells monitored on Illana Court, Embassy Court and Byram Lake Road, to the north of the Site, the interference effects diminish rapidly with distance from the Well 5.

An individual 72-hour pumping test was conducted on Well 6A following the completion of the simultaneous pumping test. During of the test on Well 6A, there appeared to be water-level drawdown of about 7 feet in the well at 8 Embassy Court beginning approximately 24 hours after the start of pumping in Well 6A, and water-level recovery in the well at 8 Embassy Court beginning approximately 24 hours before the shutdown of pumping in Well 6A. This is not like the typical drawdown pattern that occurs from interference caused by a 72-hour pumping test. In addition, Well 6A and the well at 8 Embassy Court are not located on a shared, prominent or interconnected fracture-trace lineation, the wells are separated by more than 3,400 feet, and other wells located between Well 6A and 8 Embassy Court (Wells 2B, 3, 5, Irrigation Well 5, and off-site MW Well 3 and MW Well 9) did not show any water-level drawdown from pumping of Well 6A.

Because of the irregular pattern of drawdown in the well at 8 Embassy Court related to its own pumping cycles, it is not possible to determine with certainty whether the 7 feet of drawdown was a result of pumping on the Site or whether it is a natural occurrence. The factors discussed above support the likelihood that the drawdown interference was not related to the test of the project wells. However, to be conservative, the drawdown observed in the well at 8 Embassy Court during the test on Well 6A is attributed in LBG's report to the pumping of Well 6A.



**COMMENT F13:**

*The FEIS should include the results of the monitoring of off-site private wells during the two pumping test conducted this spring.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F13:**

See Response F12.

**COMMENT F14:**

*In general, there are a few places in the sub-sections of the text where the previously implemented pumping test program and test well drilling are referred to in future tense. To add clarity to the document, these sections should be updated.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F14:**

Comment noted.

**COMMENT F15:**

*We would recommend that Exhibit III-J-1, Existing and Proposed Wells be modified for the FEIS so that the locations of Test Pumping Wells #1, #2B, #3, #5 and #6A are all depicted on the plan. On the Exhibit that was reviewed, Well #6A is absent from the Exhibit and Well #3 is labeled "TW 1". In addition, we recommend removing the sanitary radii on any wells that are not to be considered for potable use.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F15:**

Comment noted. See Exhibit II.F-2, Existing Wells.



**COMMENT F16:**General Comments- LBG Brynwood Golf& Country Club Groundwater Exploration and 72-Hour Pumping Test Program Report

*We agree with the finding and conclusions of the report as presented, but offer the following comments:*

A. *Groundwater Exploration Program (Page 2): The report discusses the results of the exploration drilling that was conducted. However, there is no graphical information provided regarding the placement of these wells on perceived fracture traces and/or lineaments. It would be helpful if this information were presented in the report or the FEIS so that the relationship between the proposed site potable wells and off-site private residential wells can be better understood.*

B. *Pumping Test Program: It is our opinion that the pumping test was conducted in a technically sound fashion meeting the requirements of New York State Department of Health (NYSDOH) Appendix 10 TOGS 3.2.1, Recommended Pump Test Procedures for Water Supply Applications. In this regard, it appears that Wells #1, #2B, #3, #5 and #6A were appropriately tested and the results clearly indicate 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. The pump test results did reveal that there were interference effects noted in four private wells (#8 Embassy Court and #26, #30 and #34 Blair Road) during the simultaneous pumping test when the pumping rate was more than two times the average daily demand. Only one well exhibited interference effects during the pumping test of Well #6A (#8 Embassy Court). We agree with LBG that the documented interference should not result in the loss of use of any of these wells, as the interference is expected to be less significant at operational pumping rates; however, to be conservative, these wells should be monitored for two (2) years after build-out of the project. These private wells should be monitored on a quarterly basis at a minimum. If significant interference effects are noted that prevents use of these wells, then the applicant should be required to rectify the issue (i.e., lowering the pumping in the impacted well, hydrofracking the well, or drilling a new well).*

C. *Chemical and Groundwater Under Direct Influence Data (Page 29): The report does not currently include the chemical and microscopic particulate analysis testing data from the proposed wells. As this data is an essential part of determining whether or not the water sources are potable, the FEIS must include a discussion of these results for our review.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F16:**

A fracture-trace map with the onsite pumping wells from the May 2103 pumping test and offsite wells monitored is included on Exhibit II.F-1. A discussion of the offsite wells monitored during the 72-hour pumping tests is included in Response F12.



LBG has prepared an Offsite Site Well Monitoring Program to conduct a minimum of 2 years of offsite water-level monitoring following the placement of the project water-supply wells into service to assess potential offsite well interference effects. A copy of the Program is in Appendix J. Water is now proposed to be supplied by Water District No. 2, with existing on-site Wells 4 and 5 continued to be used only for irrigation. If one or more of the newly drilled wells is incorporated for use as an irrigation well in the future, the completion of an Offsite Well Monitoring Program may be warranted if the well was determined to have caused offsite water-level drawdown during the 72-hour pumping tests conducted.

Water samples were collected from Wells 1, 2B, 3, 5 and 6A during the 72-hour pumping test program conducted in May 2013. The water samples were analyzed for all parameters listed in NYSDOH Sanitary Code Part 5, Subpart 5-1, and for microscopic particulates. All of the wells met NYSDOH drinking water standards with the exception of the presence of total coliform in Well 5. Well 5 would need to be disinfected and resampled to obtain a negative total coliform sample prior to being placed into service if the well is to be used as a potable water-supply source.

Elevated sodium was also reported in Wells 1, 3, 5 and 6A above the NYSDOH reporting limit of 20 mg/l (milligrams per liter) for people on sodium restricted diets, but below the recommended limit of 270 mg/l. The chloride concentrations in all of the wells were low, which indicates that the elevated sodium concentrations are naturally occurring and not the result of contamination from road salt application.

A discussion of the results of the water quality sampling conducted on Wells 1, 2B, 3, 5 and 6A is in LBG's report "Water-Quality Addendum, Brynwood Golf & Country Club, Groundwater Exploration and 72-Hour Pumping Test Program, Armonk, New York" dated September 2013, in Appendix F.

**COMMENT F17:**

*The DEIS contains two water tank storage options. The Applicant should indicate which water tank will be proposed at this time.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

**RESPONSE F17:**

The Modified Project proposes water supply by Water District No. 2, therefore, no water tank at the Site is proposed. See response to comment F9.



**COMMENT F18:**

*Any proposed public water supply to serve this development will require approval from this Department in accordance with Article VII of the Westchester County Sanitary Code.*

*(Letter #5, Natasha Court, PE, Westchester County Department of Health, 7/16/13)*

**RESPONSE F18:**

Comment noted.

**COMMENT F19:**

*If the facility will have its own private water supply and it exceeds the threshold volume or 100,000 gallons per day or if future study determines that on-site well-yield capacity is not sufficient to meet water demand requirements and the project pursues connection with the existing Town of North Castle Water District No. 2, then an Article 15 Water Withdrawal permit will be required. See <http://www.dec.ny.gov/permits/6379.html> for additional information.*

*(Letter #8, Jean McAvoy, NYSDEC, 7/26/13)*

**RESPONSE F19:**

Comment noted.

**COMMENT F20:**

*Brynwood has offered to pay for their part in the water problems which would give Windmill owners less of a tax and less of a tax burden.*

*(Vicki Schott, Public Hearing 7/10/13, pages 61-62)*

*They have to fix the water problem over in Brynwood when they do it. They're going to separate from us [Windmill neighborhood]. They're willing to work with us to come up with a plan so that we can get a relief on some of the impact it's going to be to the Windmill people to get that water pipeline fixed.*

*(Joe Paresi, Public Hearing 7/10/13, page 80)*

**RESPONSE F20:**

Comments noted. See Response F1.



**COMMENT F21:**

Regarding the on-site water resources and wells. According to the DEIS, an initial program would have to be conducted to determine if the aquifer material is suitable for the development of a high yielding well. This program should be undertaken now and the results of this program should be shared before the project is able to move forward. Sufficient water supply should be determined before the project is also able to move forward. The test to determine the potential of the development to impact water levels in existing wells near the site was done during a 72-hour pumping test in May, but a test performed during a rainy time of the year when water leaching is low is not indicative of the potential impact during the hottest dry times of the year and the condition should be required to perform this test at other times of the year as well.

(Jan Bernstein, Public Hearing 6/27/13, page 46)

**RESPONSE F21:**

The May 2013 72-hour pumping tests were conducted in accordance with NYSDEC Technical and Operational Guidance Series memo 3.2.1 Appendix 10, “Pumping Test Procedures for Water Withdrawal Applications.” A Pumping Test Plan was prepared and submitted to NYSDEC for review and comment and was approved by NYSDEC on May 8, 2013.

Based on precipitation records from the nearby Westchester County AP weather station, precipitation totals in the 20 weeks prior to the start of the pumping test program (beginning in January of 2013) were below average. Precipitation data from Westchester County AP from January through May 2013 is summarized on the table below.

**Table II.F-2**  
**Precipitation from January Through May 2013**

Month	2013 Monthly Total Precipitation (inches)	Monthly Average Precipitation (1971-2000) (inches)
January	2.59	4.32
February	1.90	3.24
March	0.37	4.73
April	1.28	4.44
May	2.37*	4.58

\* Number is total precipitation received through the startup of the pumping test on May 20, 2013.



**COMMENT F22:**

*There were test drillings done in May which was two months ago and it seems odd to me there weren't any done prior, even any perc tests or anything like that.*

*(Ed Woodyard, Public Hearing 7/10/13, page 19)*

**RESPONSE F22:**

The drilling of bedrock test wells was initiated in January 2013 after receipt of applicable permits from the Westchester County Department of Health and adoption of the DEIS scope by the Town Board in January 2013. Wells 3, 4 and 5 were drilled in January and February 2013. Subsequently, after obtaining wetland disturbance permits for two additional well sites located in Town regulated wetland buffer areas, Wells 1 and 2B were drilled in April 2013.

Based on the estimated well yields from Wells 1, 2B, 3 and 5, LBG determined that sufficient yield had been developed to meet twice the average water demand of the Project. Redundant Well 6A, located near Well 1 (the most productive well), was drilled in May 2013. The purpose of the redundant well is to meet the New York State Department of Health requirement that twice the average water demand of a project must be capable of being supplied with the best well out of service.

A subsurface exploration including soil borings, test pits and soil percolation (“perc”) tests were conducted at the Site during December, 2012 and January, 2013 as more fully described in Volume 2, Appendix D of the DEIS.

**COMMENT F23:**

*Regarding water, the DEIS and FEIS should include a full and final analysis of the 72-hour pumping test program constructed in May of 2013. It is inadequate for the DEIS to say, as it currently does that:*

*“Preliminary results indicate no significant interference with off-site wells. However, if after analyses have been completed, significant off-site water-level interference is determined to have occurred during the 72-hour pumping test program...”*

*Analysis of this test should be completed by now and details of what that analysis entailed and the conclusions reached should be included in the DEIS and FEIS. How did they come to their preliminary conclusions? This information should be included in the DEIS and FEIS. Also, it appears that their off-site well monitoring did not include the wells supplying North Castle Water District No. 2. If this is the case then the tests should be redone with the District 2 wells being monitored. This would somewhat easily allow for an analysis of the impact on the water supply of the hundreds of homes in District 2. I believed that District 2 has a much larger number of homes than those served by the off-site wells studied during the 72-hour pumping test program.*



(Letter #13, Peter Coviello, 8/19/13)

**RESPONSE F23:**

The results of the 72-hour pumping tests conducted in May 2013 are provided in LBG's reports "Brynwood Golf & Country Club, Groundwater Exploration and 72-Hour Pumping Test Program, Armonk, New York", June 2013 (Appendix R of the DEIS) and "Water-Quality Addendum, Brynwood Golf & Country Club, Groundwater Exploration and 72-Hour Pumping Test Program, Armonk, New York", September 2013 in Appendix F of this FEIS. The results of the pumping tests showed no significant interference in the offsite wells monitored during the tests.

Water District No. 2 wells were not included in the offsite monitoring program. The Water District wells are located approximately 1.1 miles from the project wells and the Water District wells are completed in stratified-drift sand and gravel aquifer which is a different aquifer than the project wells which are drilled in the bedrock aquifer. Due to the distance from the Site and the separate aquifers in which the wells are located, monitoring of the Water District wells was unnecessary for the purpose of understanding potential impacts to wells in the vicinity of the Site.

**COMMENT F24:**

Groundwater Geology Five test wells meeting the test requirements of the County Health Department for a public water supply have been drilled on the site. The results indicate that sufficient yield can be found to meet the Project water demand requirements.

*Exhibit III-J-1 Existing & Proposed Wells. The reference to existing test wells and proposed wells are not clear. Well 6A is not shown.*

*Although six wells are discussed in text, only five new wells are shown. Show or explain the omitted location of Well 6A.*

*Reference should be made to Appendix Vol. 3, R-3 Well Completion Reports provided only on disc.*

(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)

**RESPONSE F24:**

There are currently thirteen wells located on the Site. Seven of the existing wells, shown on Exhibit II.F-2, Existing Wells, as IW-3, IW-4, IW-5, IW-6, IW-8, IW-9 and IW-10, were drilled by former owners of the property. Of these wells, only IW-4, IW-5 and IW-9 are currently in use. Wells IW-4 and IW-5 (aka Irrigation Wells 4 and 5) are the two irrigation wells used on the course to supplement the surface-water supply. Well IW-9 is located next to the existing onsite wastewater treatment facility and is connected to that building.



The remaining wells (IW-3, IW-6, IW-8, and IW-10) are not in use and are not equipped with functional well pumps.

The additional six wells located on the Site, shown on Exhibit II.F-2 as Wells 1, 2B, 3, 4, 5 and 6A, were drilled by Brynwood between January and May 2013. Wells 3, 4 and 5 were drilled in January and February 2013. The estimated yields for these wells at the completion of drilling were 40 gpm, 7 gpm, and 25 gpm, respectively. Wells 1 and 2B were drilled in April 2013. The estimated well yields at the completion of drilling for these wells were 75 gpm and 20 gpm, respectively. Well 6A was drilled in May 2013 and the estimated yield at the completion of drilling was 80 gpm.

A simultaneous 72-hour pumping test was conducted in Wells 1, 2B, 3, 5 and Irrigation Wells 4 and 5 in May 2013. The yields of the wells demonstrated during the test were 50 gpm, 12 gpm, 32 gpm, 19.5 gpm, 32 gpm and 40 gpm, respectively. An individual 72-hour pumping test was also conducted on Well 6A in May 2013. The yield of Well 6A demonstrated during the test was 55 gpm.

Appendix R of the DEIS further describes the 72-hour pumping test.

**COMMENT F25:**

Water Storage & Supply      *In this section J, there is no reference as to why Well 8 was abandoned. One must go to the Appendix L, Phase 1 Environmental Site Assessment (ESA) Conclusion of May 15, 2008 to learn why well 8 was abandoned. Well 7 that is in close proximity to the underground fuel storage tanks that were removed was also abandoned.*

*The DEIS states that a 1000 gallon underground storage tank (UST) adjacent to the maintenance building was removed in 1996 with 56 tons of petroleum contaminated soils. A 3000 gallon UST was removed south of the clubhouse in 2002 with 96 tons of petroleum contaminated soil.*

*At some point after the Coman Hill School connected to the Windmill Farm Water District, the Canyon Club was also provided with a connection.*

*Was the abandonment of wells 7 & 8 due to contamination?*

*The soils in the vicinity of the former tanks should be tested for contamination and abandoned wells No. 7 and 8 should be tested for volatile organic compounds, gasoline and MTBE.*

*Provide the date and reason for connecting the Clubhouse to the Windmill Water District.*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*



**RESPONSE F25:**

The Environmental Site Assessment conducted for the Site in 2008 reports that the spills associated with the 1996 and 2002 tank removals were closed. Endpoint soil samples from the tank grave after removal of the impacted soil in 2002 reported low-level volatile organic compound (VOC) detections below regulatory criteria and soil samples from the base of the excavation did not show petroleum compounds. The Westchester County Department of Health issued a letter recommending no further action related to the 2002 tank removal/petroleum spill. Endpoint samples from the tank grave after soil removal in 1996 had low-level detections of petroleum compounds which were also below regulatory criteria.

Well 8 is an existing well located in a well vault near the existing tennis courts. The well has not yet been abandoned; however, it is not actively in use as a supply well. Well 8 is located upgradient of the existing maintenance facility. Well 7 was reported to be located south of the clubhouse. However, the well could not be located and is assumed to have been abandoned. The date and reason for the well abandonment are unknown; however, once a well is abandoned (i.e. filled in and sealed), sample collection is not feasible.

The connection of the Club (known as the Bel-Aire Golf & Country Club at that time) to Water District No. 2 water supply as an out of district user was made in 1964 for fire protection purposes, and was unrelated to the documented tank removals at the Site.

Onsite Wells 1, 2B, 3, 5 and 6A were sampled for volatile organic compounds (VOCs) and methyl tert-butyl ether (MTBE) in May 2013. The results of the sampling are in LBG's report "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 this FEIS, and show that VOCs and MTBE were not detected in any of the wells sampled.

**COMMENT F26:**

On-site Chemical Use    "The available records show no overuse of any fertilizer or pesticides in the past"

Groundwater samples were collected from the Irrigation Wells 4 & 5 in November 2012. All constituents analyzed for were reported as not detected in the samples from both wells". Test methods used were for semi-volatile organics, pesticides, insecticides, chlorinated acids and 1,2 dibromoethane and not just herbicides and pesticides as stated in the DEIS.

The Envirotest Lab results indicated that one chemical, 4-Terphenyl-d14 (a polycyclic aromatic hydrocarbon PAH) had a "% Recovery that exceeded control limits" in both Well 4 & Well 5 samples - 191% and 183%, respectively when the stated %Recovery is 77-143. Polycyclic hydrocarbons, PAHs, contain aromatic rings and are among some of the most persistent organic pollutants. In analysis for oil-characteristics PAHs their presence may serve as a marker for fuel oils.



*Based on the history of gasoline, fuel oil spills as the detected presence of PAH, it may be advisable to also include MTBE to detect gasoline and another marker for fuel oil in future water quality tests of not only the potable source wells but some surface waters.*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE F26:**

See Response F25. Based on the water-quality results from the five onsite wells sampled, no additional sampling is warranted.

The Environmental Site Assessment conducted for the Site in 2008 reports that both spills associated with the 1996 and 2002 tank removals were closed. Endpoint soil samples from the tank grave after removal of the impacted soil in 2002 were analyzed for polyaromatic hydrocarbons (PAHs) by EPA Method 8270. No PAHs were detected in the samples collected. Endpoint samples from the tank grave after soil removal in 1996 were also analyzed for PAHs by EPA Method 8270 and no PAHs were detected.

**COMMENT F27:**

Water Quantity *Table III J-1 calculates the average water demand of 51,955 gallons per day and a twice average water demand of 103,910 gpd. Since these numbers are used throughout the DEIS for establishing that the criteria has been met, it is important to fully understand the meaning of this Table.*

*What is the reference for the water usage rate?*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE F27:**

The water usage rates used to calculate the project water demand are from the NYSDEC publication “Design Standards for Wastewater Treatment Works”, 1988. The use of these rates was reviewed and discussed with the Westchester County Department of Health during the well drilling permitting process.

**COMMENT F28:**

Water Demand and Availability *“The use of on-site water-supply wells has the potential to impact water levels in existing bedrock wells located near the Site”. No statement is made either in this paragraph or in 1e) or 1f) that adjacent residents would also have wells meeting peak water demands or the water demands in a drought period.*



*Consulting Town Engineer, Joseph M. Cermele, P.E, in his May 1, 2013 Memorandum pg. III.J-10 also stated: "The off-site monitoring program should include locating monitor wells along regional fracture traces and/or lineaments that coincide with drilled water supply test wells as much as possible. Typically wells on the same secondary fractures or lineaments will exhibit hydraulic connection and this should be analyzed carefully as it relates to impacts to existing off-site water supply wells".*

*Include details regarding the monitoring of off-site wells in the vicinity of the Project Site that would satisfy this recommendation.*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE F28:**

See Response F12.

The yields of offsite wells were assessed through a questionnaire sent to the well property owners and a FOIL search of existing well logs on file at the Westchester County Department of Health. The results from the questionnaire and WCDH search are provided in Tables III.J-2 and III.J-3 in the DEIS. The average well yield from the 56 well logs available from the WCDH for properties within ¼-mile of the site was 7.2 gpm and the median yield was 6.0 gpm. Only two wells had reported yields lower than 5 gpm, 11 Byram Hill Road at 3.5 gpm and 5 Evans Place at 2 gpm.

Based on NYSDEC Design Standards, water demands for 3- to 4-bedroom residences range from about 400 gpd (gallons per day) to 475 gpd. This is equal to 0.28 gpm to 0.33 gpm. Assuming a peak demand of twice the average, the peak demand for 3 to 4-bedroom residences would be 800 gpd to 950 gpd or about 0.56 gpm to 0.67 gpm.

**COMMENT F29:**

*The DEIS does not fully analyze the on-site water resources and wells. According to the DEIS, an initial drilling exploration program must be conducted to determine if the aquifer material is suitable for the development of a high yielding well. The goal is to develop an on-site water supply, but the feasibility of this goal is not yet determined. This program should be undertaken immediately and the results of this program should be shared prior to the project moving forward. Sufficient water supply should be determined before this project is allowed to continue. Moreover, the 72-hour pumping test on the proposed potable water supply wells for the project should include a substantial number of homes from Water District 2 in order to properly assess the impact to District 2 users.*

*(Letter #21, Jan Bernstein, ROWI, 8/20/13)*



**RESPONSE F29:**

See Response F1. Homes in Water District No. 2 are supplied by the public water system and do not use individual private wells to supply potable water. Therefore, no homes in Water District No. 2 were included in the offsite monitoring program.

**COMMENT F30:**

*Well Level and Water Flow – We voluntarily participated in tests conducted by Brynwood’s hydrology consultants, Leggette Brashears & Graham, Inc. They conducted tests from May 19 - June 3 on our well in conjunction with the testing on their wells. To my knowledge as a layperson, these tests are ideally not conducted during these wet spring months. Even so, their tests showed that our well level dropped by 11 feet (letter from Leggette Brashears & Graham, Inc. dated June 20, 2013). This may not sound alarming. However, our well is only 80 feet deep and this is a drop equal to 13.75% of the total well depth. Furthermore, we had a well company inspect our well one-week after Brynwood concluded their tests. The water in our well was 32 feet from the surface. In this context, 11 feet is equal to a 34.375% drop. Brynwood’s consultants sent a letter stating that they are aware of this. However, we did not see anything to this effect in the Draft EIS.*

*(Letter #3, David and Liz Freund, 7/7/13)*

**RESPONSE F30:**

See Response F12. The largest water-level interference effects on the offsite residential wells occurred as a result of pumping Wells 1, 2B, 3 and 5 and Irrigation Wells 4 and 5 at a combined yield of 185.5 gpm for three days at rates significantly higher than would be needed to meet the average water demands of the project. The water-level interference in the offsite residential wells which would occur from normal operation (12-hour daily pump cycles) and rotational use of the project supply wells is expected to be significantly less than observed during the simultaneous pumping test event. The expected groundwater withdrawal to meet average water demands of the Project with an on-site water system would not likely result in significant impact to any offsite wells. Water is now proposed to be supplied by Water District No. 2.

A discussion of the timing of the test related to regional precipitation is provided in Response F21 above.

**COMMENT F31:**

*Sedimentation in Well Water - Simultaneous with Brynwood testing their wells, our home has had a whole host of issues related to sedimentation that we have not experienced in the 15 years that we have lived here.*



- a. Whole House water filter – this is a filter that we change every 3-months. However, due to increased sediment in our well water, our water ceased flowing at all. After plumbers concluded (John Hobby JR Plumbing on 6/10) that it was the sedimentation in the whole house filter and changed the filter, the water returned. Our water failed a second time when sedimentation built up in the sensors in our water tank. After correcting this, we have had to change the filter every few days.
- b. At the same time (6/11) sediment built-up in our French drain beneath our basement floor. The drain clogged with sediment and failed. The water backed up flooded our basement with 1 – 2 inches of groundwater. We have had to hire ServiceMaster of White Plains to remove the wall-to-wall carpeting and sanitize the floor. We are now in the process of repairing the drain, but we want to make sure that we have the proper documentation to show that this failure was due to new sediment created by the Brynwood development.

(Letter #3, David and Liz Freund, 7/7/13)

**RESPONSE F31:**

At the request of the Applicant, LBG visited 8 Embassy Court to follow up on the complaint of “no water” and sediment discharge from the bedrock supply well on the property, and flooding in the basement as a result of clogged French drains. Following the site visit, with the authorization of the homeowner, LBG had conversations with the contractors who conducted work on the homeowners’ well and water system subsequent to the pumping test conducted on the Site. A letter dated July 29, 2013 discussing the findings was provided to the owners of 8 Embassy Court and a copy was provided to the Town. A copy of the July 29, 2013 letter is in Appendix K.

**COMMENT F32:**

*On July 19th at 4:15pm, we had zero water in our house. We checked our filters but this time it was not a clogged filter. This time it appears that our well was empty. Thankfully it is slowly refilling but please note that this has never happened in the 15 years that we have lived here. It seems clear that these water issues were caused by Brynwood.*

*We left a message with the Club manager requesting a meeting to discuss the matter. We are hopeful that they will be proactive in making this right so that our property can be repaired and protected from any further damage. We hope to be able to continue to support Brynwood’s development as neighbors and members since 2010.*

(Letter #6, Liz and David Freund, 7/19/13)



**RESPONSE F32:**

See Responses F30 and F31.

**COMMENT F33:**

General Comments- July 29, 2013 Letter from LBG to Mr. David Freund

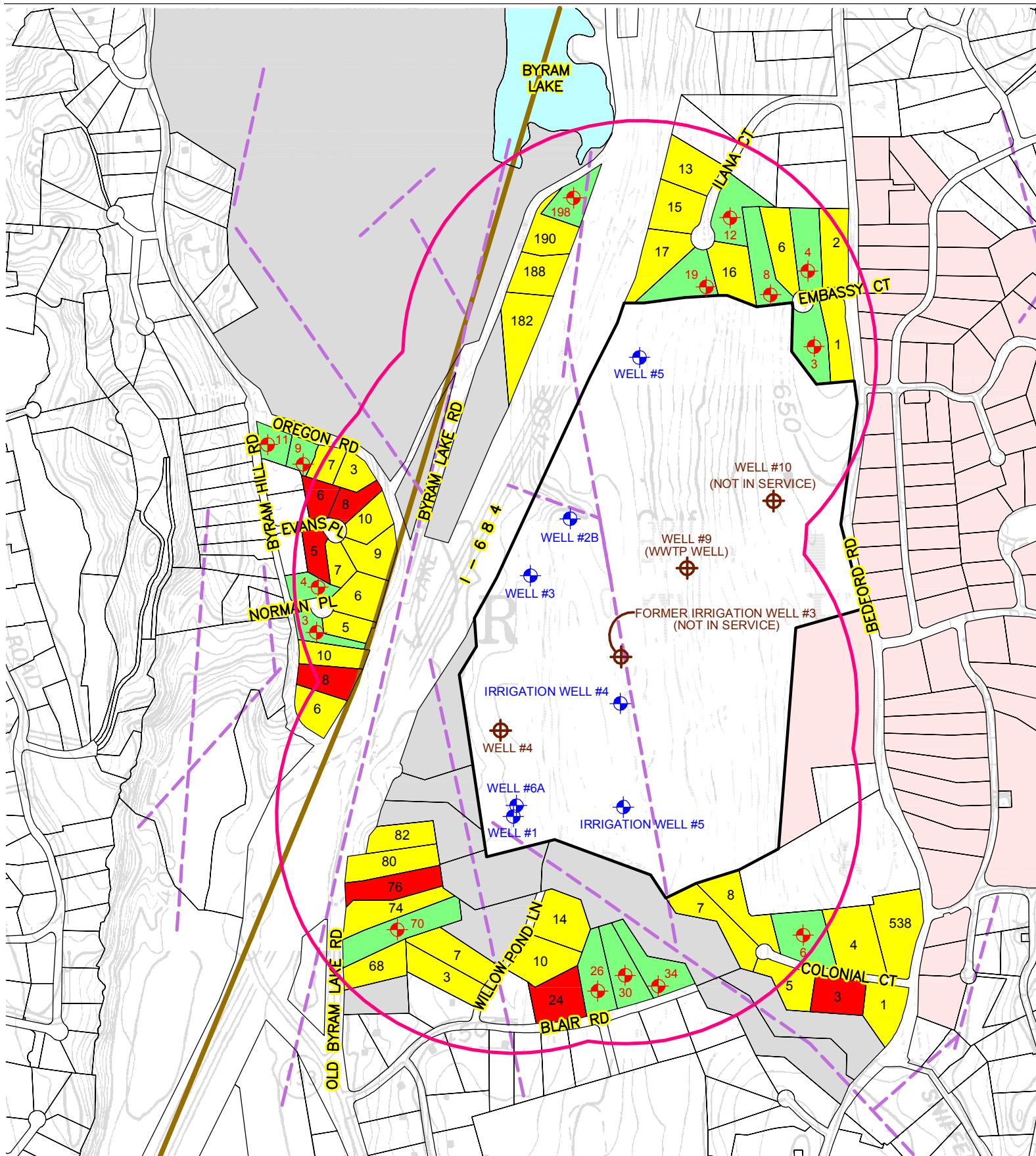
*We have reviewed this 'Complaint Response' letter and agree with the observations and conclusions made by LBG. In short, based on the information presented, we do not believe that the pumping test program executed at the Brynwood Golf & Country Club in May 2013 adversely impacted the well at #8 Embassy Court.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE F33:**

Comment noted. The July 29, 2013 letter from LBG to Mr. David Freund is located in Appendix K.

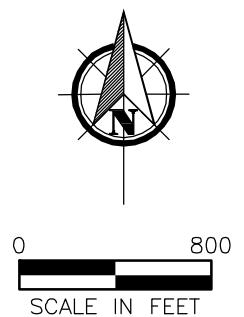




Source: Leggette, Brashears & Graham, Inc.

**BRYNWOOD**  
North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, P.C.

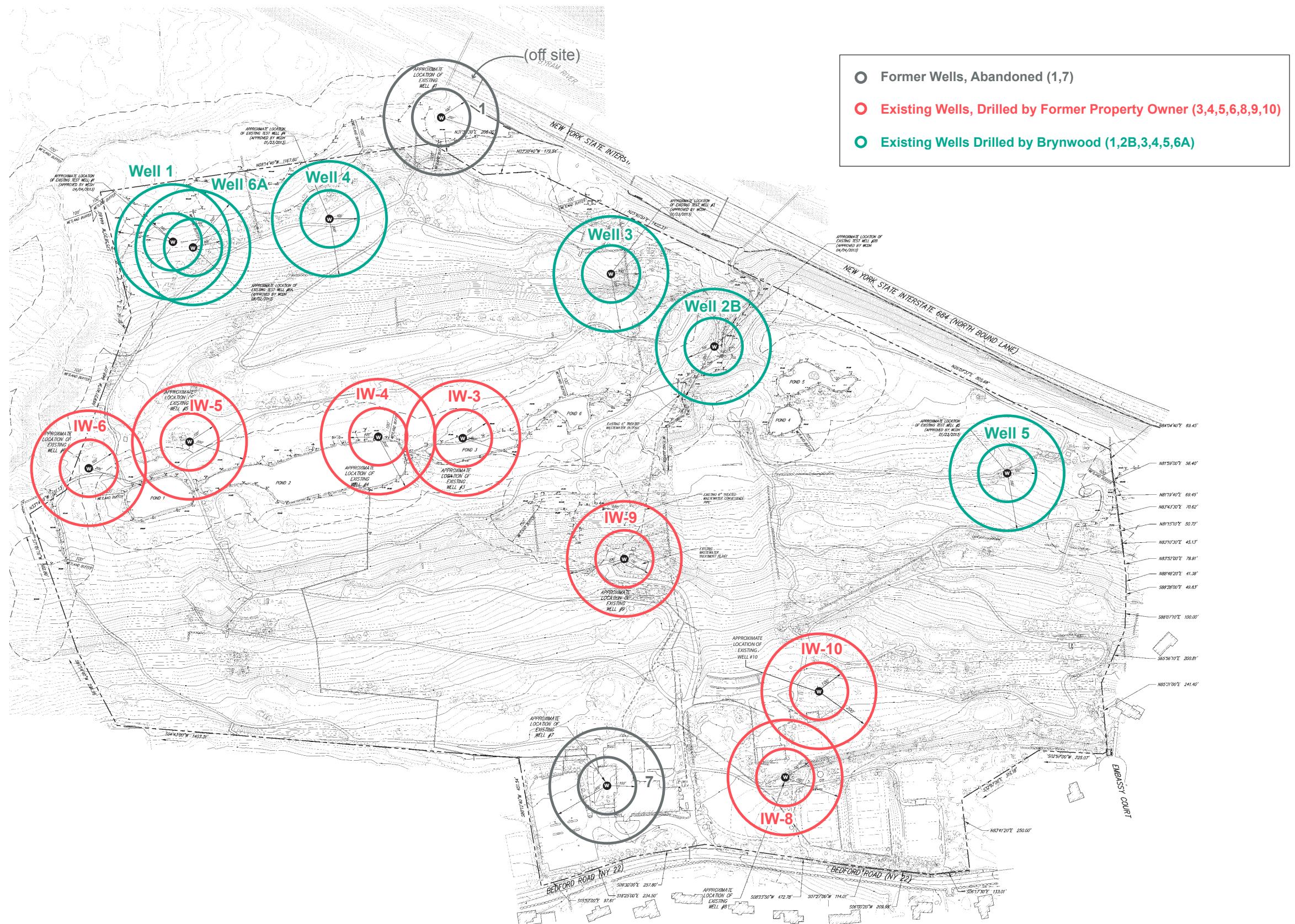


**LEGEND**

- WELL #1: ONSITE PUMPING WELL LOCATION
- PROPERTY SUPPLIED BY WINDMILL FARM WATER DISTRICT
- APPROXIMATE LOCATION OF OFFSITE WELL MONITORED DURING PUMPING TEST
- WELL WAS NOT ACCESSIBLE FOR MONITORING OR HOMEOWNER DENIED PERMISSION TO ACCESS
- PROPERTY WAS SOLICITED FOR PERMISSION TO MONITOR WELL, NO RESPONSE RECEIVED
- PROPERTY INCLUDED IN OFFSITE MONITORING PROGRAM
- VACANT PARCEL
- 1,500-FOOT RADIUS FROM ONSITE PUMPING WELL
- FAULT LINE
- FRACTURE TRACE
- APPROXIMATE ONSITE MONITORING WELL LOCATION

**Fracture-Trace Analysis and Offsite Well Monitoring Program**

Exhibit  
**II.F-1**



Source: John Meyer Consulting, PC and Leggette Brashears & Graham, Inc.

**BRYNWOOD**  
North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, PC.

Existing Wells

Exhibit  
II.F-2



- Site Planning
- Civil Engineering
- Landscape Architecture
- Land Surveying
- Transportation Engineering
- Environmental Studies
- Permitting
- Construction Services

**Project:** Brynwood Club  
**Location:** 568 Bedford Road (NY 22)  
 Town of North Castle, NY  
**Type of Estimate:** Preliminary Construction Cost Estimate  
 Alternate 2 - Water District #2 Expansion  
**Drawing Ref.:**

**Job No:** 10126  
**Revised:** 3/26/2015  
**Date:** 6/10/2013  
**Cmp'd:** JMC/LBG  
**Chk'd:** JMC/LBG

ITEM NO.	CLASSIFICATION OF WORK	QUANTITY	UNIT	UNIT PRICE	AMOUNT	SECTION TOTAL
2.01	TEST WELL DEVELOPMENT	2	EA	\$30,000.00	\$60,000.00	
2.02	CONVERT TEST WELL TO PRODUCTION WELL	2	EA	\$30,000.00	\$60,000.00	
2.03	2" POLYETHYENE PIPING*	2,000	L.F.	\$25.00	\$50,000.00	
2.04	NEW 99,810 GPD PUMP HOUSE w/DISINFECTION, CONTROLS, PUMPS AND MONITORING*	ALLOW			\$400,000.00	
2.05	UPGRADE EXISTING PUMP HOUSE	ALLOW			\$100,000.00	
2.06	12" DIP WATER MAIN (FROM EVERGREEN ROW TO ROUTE 22)	250	L.F.	\$150.00	\$37,500.00	
2.07	12" DIP WATER MAIN (JACK & BORE UNDER ROUTE 22)	50	L.F.	\$750.00	\$37,500.00	
2.08	12" DIP WATER MAIN (ALONG ROUTE 22 TO BRYNWOOD)	250	L.F.	\$225.00	\$56,250.00	
2.09	12" DIP WATER MAIN (ON-SITE DISTRIBUTION FROM PROPERTY CORNER TO CLUBHOUSE)	350	L.F.	\$100.00	\$35,000.00	
					SUBTOTAL	\$836,250.00
					ENGINEERING/PERMITTING/LEGAL (20%)	\$167,250.00
					<b>TOTAL</b>	<b>\$1,003,500.00</b>

\*Size/capacity of pumphouse w/disinfection, controls, pumps and well piping to be based on actual well yield with excess capacity provided to all of W.D. #2 and Coman Hill School.

## G. Integrated Turfgrass and Pest Management Plan (ITPMP)

### COMMENT G1:

*General Comments -Integrated Turfgrass and Pest Management Plan*

*The ITPMP states that the golf course superintendents will be responsible for implementing the plan in accordance with the Troon Golf Standards and Procedures Manual. A copy of this manual should be included in the FEIS, as well as any qualification/certification requirements for golf course management and maintenance staff.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

*The DEIS references the development of a facility operations manual to insure proper implementation of the ITPMP, as wells as reporting on all phases of the project, including renovation and annual maintenance. While information contained in the DEIS and subsequent studies will be necessary to develop the final operations plan, a draft copy should be prepared for preliminary review. This should be included in the FEIS.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE G1:

The Troon Golf Standards and Procedures manual is a generalized set of agronomic practices, which is then customized to each Troon facility. In this case the standards and procedures have been integrated directly into the ITPMP for the Brynwood golf course. Therefore, the ITPMP includes all of the specific procedures and practices to be followed by Brynwood. Copies of Troon's agronomic standards and the Brynwood ITPMP is held by the golf course superintendent at all times. Facility operations, reporting requirements, certifications and operations will all be provided to the Town as they are finalized for the renovated golf course.

### COMMENT G2:

*The ITPMP should be expanded to discuss what necessary steps will be required and the expected benefits of becoming a Certified Audubon Cooperative Sanctuary.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE G2:

The procedures and objectives proposed to achieve the status of Certified Audubon Cooperative Sanctuary are integrated into the revised ITPMP (Appendix M). See response R12.



**COMMENT G3:**

*The recommended management routine included in the ITPMP shall include a discussion on irrigation management and equipment cleaning.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE G3:**

Section 5 of the ITPMP (DEIS Appendix E) contains a discussion on irrigation management as follows:

The Brynwood Golf Course will irrigate only the areas requiring water and limit the amount applied to the amount actually required by the plant. The modern computer-controlled irrigation system used on today's golf courses like the proposed Brynwood Golf Course is very flexible to be able to irrigate to the amount needed for adequate plant growth while not over irrigating. Over-irrigation can make many disease problems more severe, can lead to a significantly greater likelihood for either pesticide or nitrate leaching into groundwater and runoff into surface waters (Petrovic, 1990 and 1994) and can waste upwards of 50% more water than is actually needed.

This golf course will apply water based on an estimate of the amount of water used by the turfgrass plant. This irrigation system will either have a weather station linked to the controller that estimates plant water use and will irrigate accordingly or use evapotranspiration rate data provided by the North East Climate Center, Ithaca, NY. This proper amount of irrigation will be applied to minimize any environmental impact, reduce the potential for pest problems, reduce the waste of water from excess irrigation and produce a healthy pest-resistant grass. Greens, tees and fairways will be irrigated. Water from the on-site pond may be used for irrigation.

A revised ITPMP is in Appendix M of this FEIS, and includes the following:

**EQUIPMENT WASHING:** All equipment wash bays will have a trench drain with a sedimentation area to drop out any grass clippings or other debris, as well as a sand/oil separator. All bays will flow through a naturalized grass and vegetative filtration ditch and be discharged into the golf course irrigation lake. Grading will be done to ensure all drainage of the entire maintenance yard footprint will be collected and discharged through a naturalized grass and vegetative filtration ditch and be discharged into the golf course irrigation lake as well.

**COMMENT G4:**

*The scouting forms referenced in the ITPMP, to be used to monitor pest populations have not been included in the report as noted.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*



**RESPONSE G4:**

Scouting forms are in the revised ITPMP in Appendix M.

**COMMENT G5:**

*The ITPMP should include an anticipated preventative pesticide application program assuming all other alternative prevention measures are followed.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE G5:**

A preventative pesticide application program is in the revised ITPMP in Appendix M.

**COMMENT G6:**

*The fertilizer and pesticide storage and handling discussion in the ITPMP should be expanded to include provisions for chemical access, expected stored quantities and storage requirements, any special building construction considerations, safety precautions, hazard communications, training and spill response.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE G6:**

The following is in the revised ITPMP in Appendix M:

Chemical storage facility: Chemical storage facility will be a stand-alone, pre-fabricated building with air ventilation and circulation systems capable of preventing hazardous gaseous buildup. Building will be climate controlled for both heating and cooling temperature controls. The chemical storage building will also be secured by lock and will be under 24 hour surveillance from closed circuit security system.

The Brynwood chemical storage facility will follow all NYSDEC requirements for construction materials to include an impermeable bottom and false bottom containment to hold a minimum 25% volume of stored materials. All electrical systems within storage facility will follow strict coding requirements to include non-sparking procedures for all electrical wiring and components.

Hazardous Material to be generated or stored: A comprehensive list of fertilizers and pesticides was provided in other sections of the ITPMP.



- Current gasoline, diesel and heating oil tanks (as listed in the updated USEPA SPCC Plan for Brynwood in FEIS Appendix X):

1. 1500 Gallons – Agronomy Gasoline
2. 500 Gallons – Agronomy Diesel
3. 500 Gallons – Golf Operations Gasoline
4. 275 Gallons – Waste Treatment Plant Diesel (generator)
5. 2000 Gallons – Heating oil Tank at Clubhouse.
6. 1500 Gallons – Clubhouse Generator Diesel (generator)
7. 1000 Gallons – Irrigation Pumphouse generator (generator)

- The bulk storage capacities should be maintained at current operable levels throughout the entire project. These will not be available for use for outside contractors, they will be responsible for their own supplies.

- Bulk petroleum storage tanks are up to code and secured. Going forward it will remain standard operating procedure to perform routine maintenance to ensure that these existing, as well as the future, bulk petroleum storage facilities remain up to code.

- All contractors and subcontractors involved in work at the facility will provide their own source of any material labeled or deemed hazardous.

- All chemicals will be stored with the ability to collect any spills. (See previous chemical storage facility discussion.) All fill stations for chemicals and gasoline will be bermed and with self-contained collection pit to prevent contamination.

- As the project moves forward, any areas of the property that are found to be contaminated will be properly remediated, in line with NYSDEC requirements. Any materials from demolition of old building facilities found to contain hazardous materials will be disposed of by licensed disposal contractor and site will be remediated.

#### **COMMENT G7:**

*The fertigation program described in the ITPMP should include provisions to minimize potential for airborne transmissions (drift) of fertilizers during application.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*



**RESPONSE G7:**

The new irrigation system would have precision control. The heads would be set as part-circle along the property line, which would eliminate any water being thrown from the golf course. The irrigation system would also be set not to irrigate in high wind conditions to reduce airborne transmission of the fertigation water.

As described in the ITPMP, fertigation would not be utilized for bulk fertilizer application and would be used only to provide essential nutrients for healthy growth. The system would be carefully regulated and metered accordingly. Low drift irrigation nozzles would be utilized, and pressure of the irrigation system would be regulated to avoid drifting of fertigation spray. Part circle heads would be utilized to eliminate overthrow contamination into lakes, streams, wooded areas etc., to ensure that fertigation is applied only to intended areas. This would eliminate runoff over bare soil, leaching through non-vegetative soil, and contamination of existing waterways.

**COMMENT G8:**

*If Gray water is used in irrigation what happens to overspray on to a neighbor's land? How much does it reduce the value of your property when it becomes public that the golf course irrigation system is toilet water? This cannot be good for anyone but the builder. Will people want to live in a community that uses this water as there may be contaminants that we are currently unaware of because it is so new of a permitted use? This may be setting a precedence, as the town is responsible for our park lands. Will birds still nest in an area that is sprayed with our waste water everyday; will raspberries that we pick along our roads taste the same? This is adjacent to one of our parks although currently it is in a wild state, it is still a park land, and as such it should be free of any gray water discharge.*

*(Letter #20, Steve Schneider, 8/20/13)*

**RESPONSE G8:**

Comment noted. See Response G7.

**COMMENT G9:**

*The ITPMP includes a risk assessment of pesticide application of humans and aquatic wildlife. A similar risk analysis should be performed for potential surface and groundwater contamination (leaching and runoff)*



*based on estimated runoff and groundwater recharge rates. Only pesticides having a low potential for contamination should be considered for use.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE G9:**

As requested, a qualitative risk assessment of pesticide applications for potential surface water and groundwater contamination has been conducted, and is included in the ITPMP (Appendix M) and is summarized below.

The concentration of pesticides in surface and groundwater was estimated assuming that a moderate amount of the pesticide applied would enter surface and groundwater. A worst case estimate of pesticide concentration in surface water at the 5 design points that have golf course features of greens, tees or fairways was determined. The assumption in these estimates is that the greatest amount of contaminant loss occurs in the first  $\frac{1}{2}$  inch of runoff (equivalent to a 2 year return frequency event) from an individual pesticide application, and standard label rate of pesticides were applied. As expected, the estimated concentrations of pesticides in surface water was low, far below water quality standard limits, and in line with the maximum values observed from actual golf courses.

However, in two cases the maximum acceptable toxicant concentration for fish was slightly exceeded. It is unlikely that fish will come in direct contact with the untreated storm water from this site. The two insecticides are critical to control one of the most destructive insects on this golf course. It is proposed to allow the Brynwood Country Club to apply the two insecticides under emergency conditions, only after all other control options have failed and the population threshold has been exceeded as determined by scouting. The Town of North Castle will be notified when an application is to be made under emergency conditions. As expected, none of the estimated pesticide concentration in groundwater exceeded the water quality standards. Thus, the use of these low risk pesticides on the Brynwood County Club should have minimal impact on surface and ground water quality.

**COMMENT G10:**

*The ITPMP reporting requirements should clearly note that Town approval will be required prior to any proposed changes, not only as indicated during annual updates.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE G10:**

The following is in the revised ITPMP in Appendix M:



Following construction of the golf course, the operational ITPMP will be provided to the Town each year showing how the plan was followed. Town approval will be required prior to any proposed changes.

**COMMENT G11:**

*Another area in which the DEIS is insufficient is with regard to the presence of potential environmental hazards on the grounds of a pesticide treated golf course. As golf courses use more than four to seven times the amount of pesticides as treated agricultural land (which is considerably more than that used by a typical homeowner), and as pesticides run a large risk of leaching into the soil and contaminating the groundwater, the DEIS should provide extensive studies on all pesticides that have been used throughout the history of the golf course. The DEIS should also include the exact location below the surface at which the Brynwood aquifers are replenished as some areas are more likely to have the precipitation infiltrate and trickle down the soil and seep into the drinking water.*

*(Letter #21, Jan Bernstein, ROWI, 8/20/13)*

*Regarding the water and pesticide contamination of groundwater. Golf courses use more than four to seven times the amount of pesticides. Pesticides run a large risk of leaching into the soil and contaminating the groundwater. It is important to know where the Brynwood aquifers are replenished, as some areas are more likely to have precipitation and seep into the drinking water. This needs to be addressed in the DEIS.*

*(Jan Bernstein, Public Hearing 6/27/13, pages 45-46)*

**RESPONSE G11:**

A 1990's study by the NYS Attorney General concluded that Long Island golf courses used 4 to 7 times more pesticides than the nation-wide average of all production agriculture, including pesticide free agriculture. However, golf courses used less pesticides than typical agriculture on Long Island, such as vegetable production. Golf courses use herbicides and insecticides at similar rates as used on an average lawn, but use more fungicides because of the types of grasses used, traffic stress and short mowing. Records available (past 3 years) on the pesticide use of the existing golf course are included in Appendix N.

The most comprehensive study of the impact of golf courses on surface and ground water quality was conducted in 2010 by Baris et al. (Baris, R.D., Cohen, S. N. LaJan Barnes, J. Lam and Q. Ma). It is entitled "Quantitative analysis of over 20 years of golf course monitoring studies," and published in the journal Environmental Toxicology and Chemistry, Volume 29, Issue 6, pages 1224-1236. In this study, 80 golf courses were evaluated for up to a 20-year period. A total of 38,827 data entries (where one analysis for one substance in one sample equals a data entry) from pesticide and pesticide metabolite analyses of surface water and groundwater were evaluated. This included 161 turf-related pesticides and pesticide metabolites (including all the pesticides used on the existing Brynwood golf course). Widespread and/or repeated water



quality impacts by golf courses had not occurred at the sites studied. Pesticides exceeding toxicity water quality standards or reference points for groundwater and surface water occurred in only 0.15% and 0.56% of the studied cases, respectively. Thus, there is no evidence that pesticides used on golf courses are causing surface or ground water contamination.

On the Site, water samples were collected from Irrigation Wells 4 and 5 in November 2012. The samples were analyzed by EPA Methods 504, 505, 515, 525 and 531 for semi-volatile organic compound (SOCs) identified in the NYSDOH Sanitary Code Part 5, Subpart 5-1, which include pesticide constituents. No SOCs were detected in the samples collected from Irrigation Wells 4 and 5.

Water samples were also collected from Wells 1, 2B, 3, 5 and 6A during the 72-hour pumping test program conducted in May 2013. The water samples were analyzed for all parameters listed in the NYSDOH Sanitary Code Part 5, Subpart 5-1. The results of the 72-hour pumping test water-quality analyses are in LBG's report entitled "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 this FEIS. No SOCs were detected in the wells with exception of trace detections of the herbicide picloram in the samples from Wells 2B, 3 and 5 at concentrations of 0.85 ug/l, 0.22 ug/l and 0.49 ug/l, respectively. These concentrations are below both the NYSDOH principal organic compound (POC) criteria limit of 5 ug/l and the unspecified organic compound (UOC) criteria limit of 50 ug/l. See Response F3.

#### **COMMENT G12:**

*Although certain insecticides have been banned for residential use, they have been used continuously on golf courses. If one is living on the grounds of such a golf course, the potential harm to such an individual may be similarly severe. As a result, a full inventory of present and past pesticides is necessary to determine the potential risks of pesticide exposure.*

*(Letter #21, Jan Bernstein, ROWI, 8/20/13)*

*We would also like to see a comprehensive list of which pesticides have been used during the history of the golf course. We would like to see any groundwater monitoring studies evaluating the extent to which pesticides used for 50 years on a golf course have leached in the groundwater and contaminated it.*

*(Jan Bernstein, Public Hearing 6/27/13, pages 45-46)*

#### **RESPONSE G12:**

A full inventory of pesticides applied for the past 3 years is found in Response G11. Of the 4 insecticides that were applied during that period, one insecticide (Dursban-chloropyrifos) was not re-registered for use on lawns. Based on the risk assessment found in the ITPMP, chloropyrifos has a high risk of affecting aquatic wildlife and would not be permitted to be used on the Site.



A list of pesticides which have been used since Troon Golf has managed the course is provided in Appendix N of this FEIS. All pesticides are used in accordance and conjunction with a strict best management practices plan. All pesticides utilized are EPA registered for use within New York State and Westchester County. All NYSDEC pesticide applicator rules and regulations are strictly followed. Pesticide application records are on file on property and maintained by the golf course Superintendent who is a NYSDEC licensed pesticide applicator. A list of pesticides used as well as lists of quantified leaching probability via surface water and groundwater of chemicals is in DEIS Appendix E.

The results from groundwater samples collected from onsite wells are discussed in Responses G11 and F3.

**COMMENT G13:**

*The applicant has proposed a centralized wash down area for maintenance equipment area for maintenance equipment and golf carts. The location has been designated within the maintenance area. A second location should be provided for golf carts close to the storage location.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE G13:**

An alternative wash area is proposed in the vicinity of the golf cart storage near the clubhouse. This was shown on the clubhouse basement plan in DEIS Exhibit II-14A. Detailed design will be provided as part of the site plan approval process.

**COMMENT G14:**

*In general, sampling protocol should include results for constituents of concern typically associated with fertilizers, pesticides and herbicides. These results should be compared to acceptable toxicity levels for human consumption and aquatic life.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE G14:**

Comment noted. The results from the surface-water and groundwater sampling program would be compared to toxicity levels for human consumption and aquatic life.



**COMMENT G15:**

*The applicant indicates that bi-annual soil testing and monthly surface flow and irrigation audits are performed at the site. Copies of these reports should be included in the FEIS with a summary of results.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE G15:**

A copy of the Irrigation Water Usage study conducted by LBG for 2013 is included in Appendix G. Annual soil testing is conducted through Brookside Labs. Results from the past year are provided in Appendix W. The results from this self-monitoring program are used to use to develop and analyze the fertilizer application programs, as described in ITPMP.

**COMMENT G16:**

Chemical Storage      *As of 2013 the sampling of streams - - - will become standard as part of 2012 Audubon certification of the Site. Baseline information is necessary.*

*Chemical testing of ponds and stream water, especially irrigation ponds and the main stream (Wetland 3) is strongly encouraged. A testing program should be identified and developed.*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE G16:**

Surface-water sampling of the central stream channel was initiated in 2013. The results from the samples collected to date are provided in LBG's report in Appendix H.

See Response F4 regarding a surface-water sampling plan for the Site and see also Responses G15 and R12.



## H. Stormwater Management

### COMMENT H1:

*We do not believe any portion of the project site is located within the Mianus River watershed. Runoff from the eastern portion of the project site is tributary to NYS Route 22 which is within the Byram River watershed.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE H1:

Comment noted.

### COMMENT H2:

*The applicant should clarify whether they intend to petition NYSDEC to extend the disturbance limit in excess of the five (5) acre maximum requirement. We would request that the phasing plan be modified to illustrate sub-phases, whether limited to five (5) acres or a larger acreage, based on the anticipated waiver request.*

*The proposed phasing plan indicates an area of disturbance of approximately 40 acres in Phase I and 30 acres in Phase II. Phase I, located within the northern portion of the project site includes regrading of Golf Hole #'s 10, 11, 12, 13 and 14 which drain to a discharge point in the northwest corner of the site. Phase II, located within the southern portion of the project site, includes Golf Hole #'s 1, 3, 4, 8, 9 18 and part of Hole #15 tributary to the central valley and Hole #'s 5, 6, 7 and part of Hole #15 tributary to the southwest discharge points. The plan should provide more detail specific to the sequencing of construction and stabilization within these drainage areas.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE H2:

The Applicant has indicated that it intends to request authorization to disturb greater than five acres of soil at any one time. The Phasing Plan would be modified to indicate sub-phases during the site plan approval process at which time more detail specific to the sequencing of construction and stabilization would be provided.



**COMMENT H3:**

*The applicant is proposing green infrastructure practices to meet their obligations under the NYSDEC stormwater regulations. These practices include filter strips, emergent marsh shelves within the ponds and fescue areas adjacent to the ponds which will provide treatment to surface runoff. Conceptual details have been provided which illustrate the proposal. Detailed design drawings shall be required under the site plan review of the project.*

*While we are pleased with the applicant's agreement to incorporate stormwater treatment practices which will help reduce the pollutant loads presently discharging from the project site, we do not feel that sufficient treatment has been provided with the northwestern and southwestern portions of the project site. These subsheds contain a significant area of golf course to be re-constructed on moderate to steeply sloping lands. We would request that the applicant re-examine these areas for inclusion of treatment practices.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE H3:**

The applicant has re-examined the northwestern and southwestern drainage subsheds of the project site for inclusion of stormwater treatment practices, since significant areas of the golf course to be reconstructed as well as areas to remain undisturbed presently drain to the I-684 right-of-way without stormwater capture and treatment. Two proposed water quality areas will be graded in the northwest portion as far downgradient on the course as practical in order to maximize the extent of drainage area to be captured and treated. Likewise, a total of five water quality areas will be graded in the southwest portion as far downgradient as practical. To maximize the effectiveness of stormwater capture, two of these water quality areas are to be graded within a Town regulated wetland buffer. Refer to Exhibit II.H-3 "Additional Water Quality Areas Downgradient of Disturbance." To also increase the effectiveness of capturing stormwater runoff, the golf course path running along Hole No. 7 will have curbing installed to help channel runoff into the water quality areas. The grading of the two areas within the Town regulated wetland buffer will disturb approximately 0.25 acres and require removal of approximately 10 town regulated trees. This additional wetland buffer disturbance will be included in the wetland permit required for Site Plan Approval and for which appropriate wetland mitigation will be provided as required by the Planning Board. Final design of the cart path curbing, grading, buffer disturbance, tree removal and mitigation will be developed through the Site Plan Approval process.

**COMMENT H4:**

*Soil testing was performed at various locations around the property, not always located at the treatment practice. The proposal includes three (3) stormwater basins located at Hole #6, between Hole #'s 14 and 15*



and at the residential community; two (2) rain gardens and three (3) bio-retention basins within the residential community; and three (3) infiltration systems located at the wastewater treatment plant, proposed tennis courts and at Hole #17.

No soil test data was provided for the stormwater basins located at Hole #6, the basin between Hole #'s 14 and 15, the rain garden at the club villas or the infiltration practices. Bedrock was encountered within the stormwater basin proposed at the residential community, within the bio retention basin at the club villas and the bio retention basin at the golf residences.

The applicant needs to perform testing at each of the stormwater practices and provide a design of each practice based on the soil conditions. Such information is required to properly evaluate the proposal and should be presented within the FEIS.

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

#### **RESPONSE H4:**

As requested by the Town Engineering Consultant, additional soil tests were conducted at the Site at each of the locations of the various proposed stormwater treatment practices. Test pit excavations were observed by representatives of JMC, Kellard Sessions and geotechnical engineers Carlin-Simpson & Associates. Test pit logs are provided in Appendix T. The test pits confirmed that there generally is sufficient depth of suitable soil or other factors to support the stormwater treatment practices. Although some of the test pits revealed marginal depth of suitable soil to bedrock or high groundwater in a few areas at the site, in particular at the locations of the infiltration systems proposed at the tennis court and maintenance area, alternative locations will be explored, identified and selected in connection with the preparation of the project SWPPP during Site Plan review. The locations will be selected to avoid additional impacts to steep slopes and/or wetland/wetland buffers on the site. The SWPPP will include additional detailed test pit and infiltration test results (at least two of each for each infiltration practice) to be confirmed suitable by the Town Engineering Consultant, sizing calculations, grading designs, construction details and other information as may be required by the MS4 Authority (Town of North Castle) prior to Site Plan Approval.

#### **COMMENT H5:**

*The applicant is seeking a waiver from the NYSDEC Stormwater Design Guidelines relative to mitigation of channel protection volume, overbank flood protection and extreme flood protection. The development, as proposed, is required to meet these post-construction stormwater management obligations for compliance with the NYSDEC Phase II Stormwater Regulations. We are in total disagreement with such waiver request. The current study indicates an increase in stormwater runoff peak discharge rates for a majority of all storm events analyzed. The project site drains to the Byram River which is directly tributary to floodplains within North Castle in the vicinity of H.C. Crittenden Middle School and Business Park Drive. The subject property*



*has ample room to mitigate storm flows which, if not detained, will add peak runoff to the downstream floodings. The applicant will be required to provide the appropriate mitigation to attenuate the increased flows. This issue, which would result in changes to the proposed site plan, must be presented and addressed within the FEIS.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE H5:**

The Applicant has advised that it would not seek a waiver from the NYSDEC Stormwater Design Guidelines. Each of the channel protection volume, overbank flood protection and extreme floor protection criteria of the guidelines would be met by the proposed Storm Water Pollution Prevention Plan (SWPPP). Based upon technical discussion between JMC and the Town Engineer, and the additional stormwater treatment practices noted in Response H3 above, the revised hydrologic analyses confirms a decrease in the peak rate of runoff for all storm events at each of the four design points, rather than at a central single design point as indicated in the DEIS. The existing and proposed peak rates of runoff at each of the design points (DP-1A, 1B, 1C and 2) are shown on the table below.



**Table II.H-1**  
**Peak Runoff Rates Summary**

Design Point	Storm Event	Peak Rates of Runoff	Peak Rates of Runoff	Percent Reduction
		(EXISTING)	(PROPOSED)	
	(YR)	(CFS)	(CFS)	(%)
DP-1A	1	1.81	1.26	30.39
	10	16.53	13.34	19.30
	25	28.28	25.93	8.31
	100	55.59	54.20	2.50
<hr/>				
DP-1B	1	1.11	0.89	19.82
	10	11.50	8.45	26.52
	25	19.95	17.79	10.83
	100	39.72	39.05	1.69
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DP-1C	1	9.80	8.96	8.57
	10	64.92	55.39	14.68
	25	119.57	101.86	14.81
	100	300.91	292.35	2.84
<hr/>				
DP-2	1	2.40	1.60	33.33
	10	7.91	5.04	36.28
	25	11.41	7.19	36.99
	100	18.82	11.73	37.67

Source: John Meyer Consulting, PC

**COMMENT H6:**

*The applicant proposes the use of hydrodynamic separators throughout the site. The locations of these devices shall be clearly indicated on the plan and described in the FEIS. Sizing calculations will be required for each unit and can be deferred to site plan review.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE H6:**

Each of the hydrodynamic structures has been indicated on the Site Utilities Plan. A hydrodynamic structure is provided for pretreatment at each of the three proposed subsurface infiltration systems. Hydrodynamic



structures are provided to treat runoff from redeveloped areas PDA 1C-2-2 and PDA 1C-2-3. Additional details and specification of the hydrodynamic structures will be provided during the site plan approval process.

**COMMENT H7:**

*Compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit is required for any project that disturbs greater than one acre of land area. Coverage under GP-0-10-001 may be obtained by the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the filing or a Notice of Intent form with the DEC pursuant to the permit requirements. In addition, because the project site is located within a regulated Municipal Separate Storm Sewer Systems (MS4) area, an "MS4 SWPPP Acceptance Form" must also accompany the sponsor's Notice of Intent filing.*

*(Letter #8, Jean McAvoy, NYSDEC, 7/26/13)*

**RESPONSE H7:**

Comments noted. A draft SWPPP has been prepared (see DEIS Appendix F). A final SWPPP that complies with SPDES General Permit GP-0-15-002 and the New York State Stormwater Management Design Manual, dated January 2015, will be prepared as part of the site plan approval process. All NYSDEC permit filing requirements will be met.

**COMMENT H8:**

*The water run-off off the property concerns me. This property is heavily sloped and water run-off should be looked at and zero run-off should be designed into the project this size.*

*However, everyone down the hill is on wells with the largest reservoir serving Mt. Kisco - Byram Lake - is just 200 feet down, straight down the hill. There was a 1990 document in this Town where there was mention of a stream that travels adjacent to this property as being a possible contender for water system number four as a back-up. If there is ever a spill of any type, this could wash out the water for both towns, if it's that bad.*

*(Steve Schneider, Public Hearing 7/10/13, pages 100-102)*

**RESPONSE H8:**

The drainage on the Site under both existing and proposed conditions has been extensively analyzed in the SWPPP (Appendix F of the DEIS), which is summarized in Chapter III.I of the DEIS. Various stormwater treatment practices including infiltration would be implemented on the Site to minimize impacts on water



resources. As a result of the stormwater management design, the peak rates of runoff under proposed conditions would be between 1.69% and 36.99% less than those under existing conditions, and runoff volumes under proposed conditions would be between 2.31% and 32.82% less than those under existing conditions, with exception to a 9.62% increase of only the 1 year design storm at design point DP-1C. The 10, 25 and 100 year reductions in volume at design point DP-1C are 3.06%, 3.04% and 2.31%, respectively. It is also noted that the Site is not tributary to Byram Lake.

The golf course has been in operation for many years and there have been no spills of any type to the stream adjacent to the property. Additional spill prevention measures (see Section III.I.3 of the DEIS) and water quality sampling of surface water exiting the Site (Appendix I of the DEIS and Response F4 of this FEIS) are proposed.

**COMMENT H9:**

Stormwater Best Management Practices *Statement is made that these Practices will incorporate design of the proposed residential community to reduce impervious surfaces. It was previously stated that there would be a net gain of 6.6 acres of impervious surfaces. The small proposed pond in the vicinity of the Golf Residences and driving range may be sufficient for staged construction, however additional methods of storm water controls must be considered.*

*How will the proposed additional storm water runoff be controlled both during and after construction?*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE H9:**

The SWPPP and Erosion & Sediment Control Plan contained in the DEIS 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.

**COMMENT H10:**

Stormwater Management *The major stream on the site identified as Wetland 3 is currently badly eroded. This perennial watercourse is located in the center of the golf course and flows to and under I-684 to the Byram River. In order to avoid additional erosion of stream banks and further deposition of silt and debris within the I-684 drainage systems and the Byram River, remediation of existing the condition as well as reduction in storm water runoff is essential.*



*Describe the current state of the stream in detail and identify the proposed remediation for the existing eroded stream banks within Wetland 3, W-3.*

*In one paragraph/chart, identify the total additional impervious area, storm water runoff including added sewage flows) etc., created by this project.*

*Describe the proposed mitigation to compensate for the additional volume of drainage/stormwater runoff from the Site.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE H10:**

The peak rates of stormwater runoff are summarized in Table II.H-1 provided in Response H5. The total additional impervious area created by the Modified Project is 5.8 acres. One infiltration basin, three subsurface infiltration systems, as well as the expansion of three of the site ponds are proposed to mitigate the additional runoff from the Site. The additional wastewater flows created by the Modified Project are addressed in FEIS Section II.I, Wastewater. Peak daily wastewater flows from the new waste water treatment plant would be inconsequential to the peak rate of stormwater flows from the Site.

The existing perennial stream on the Site is currently in stable condition. However, the very steep sloped banks provide the potential for erosion should they be disturbed. To prevent the potential for erosion, no earth work is proposed on the stream banks. Some trees are proposed to be removed, however, this work will be done by hand and the stumps will remain. Additional plantings are proposed to help provide a stable surface and to lessen potential impacts from falling precipitation. These areas will be carefully monitored during and post-construction. Should erosion occur, the affected area will be immediately stabilized by the appropriate mechanical or vegetative method.

**COMMENT H11:**

*As the state realizes that there is a problem with this waterway, many assumptions are made here that will force the town to make changes after the fact. Once these permits are issued, as this may be the case, please explain how this project will address these issues. As far as I know and understand, this currently just happened with another property in our town and the town is being forced to purchase/arrange for land for parking with or without parking meters.*

*(Letter #20, Steve Schneider, 8/20/13)*

**RESPONSE H11:**

Comment noted.





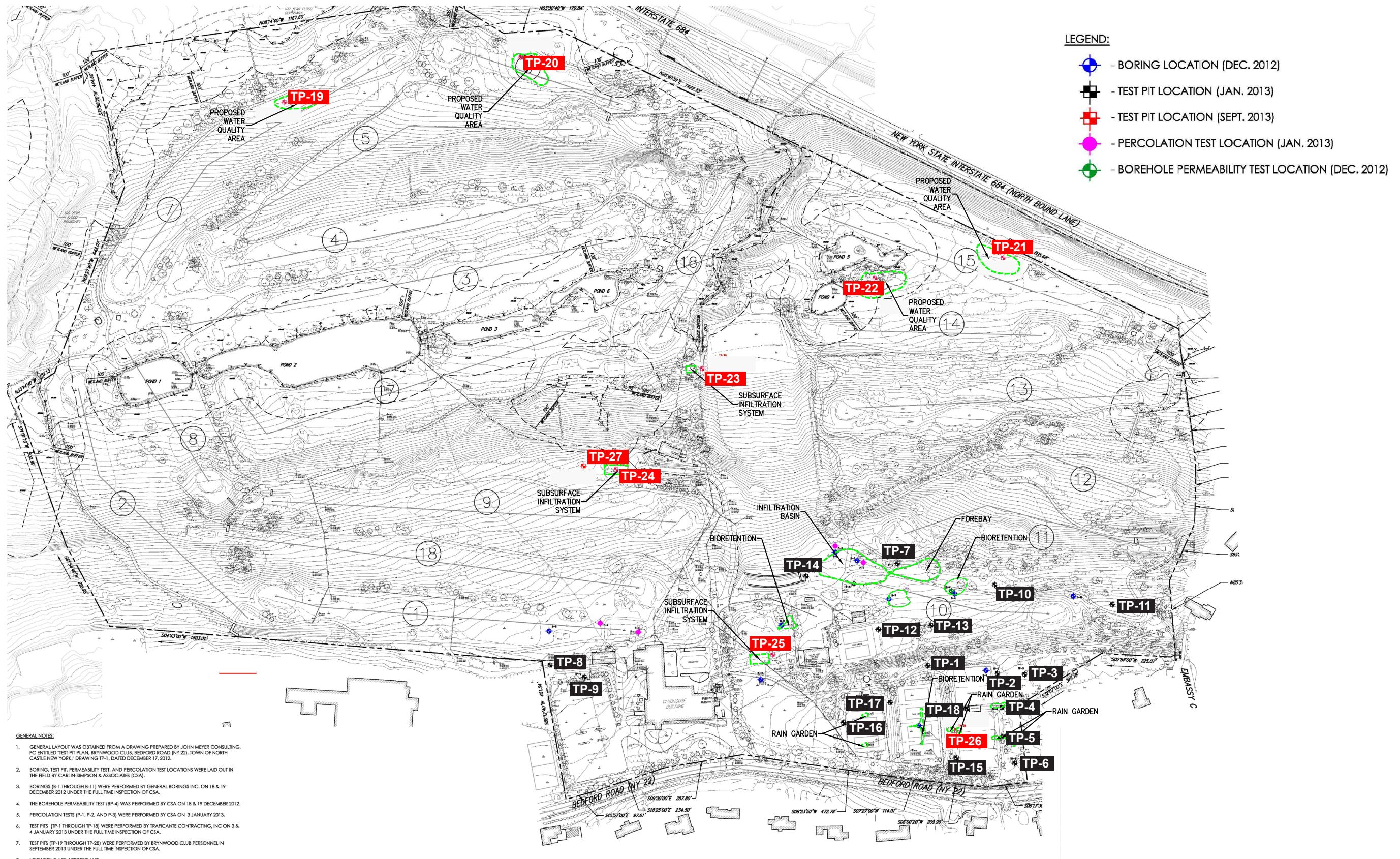
Source: John Meyer Consulting, PC

**BRYNWOOD**  
North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, PC.

**Proposed Drainage Area Map**

**Exhibit**  
**II.H-1**



**Source** Carlin-Simpson and Associates

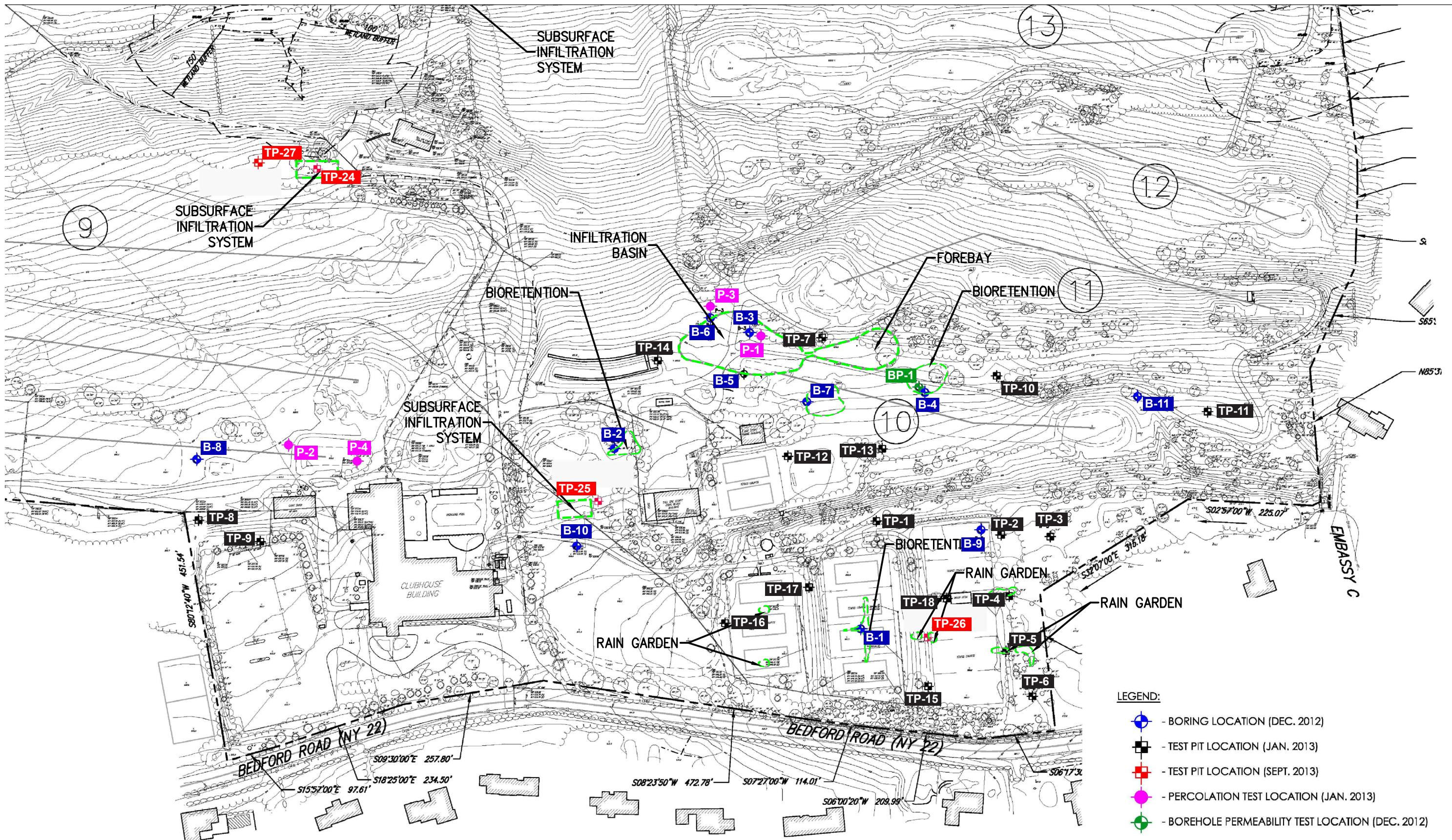
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## **BRYNWOOD**

North Castle, New York

## Borings and Test Pit Locations

**Exhibit  
I.H-2A**



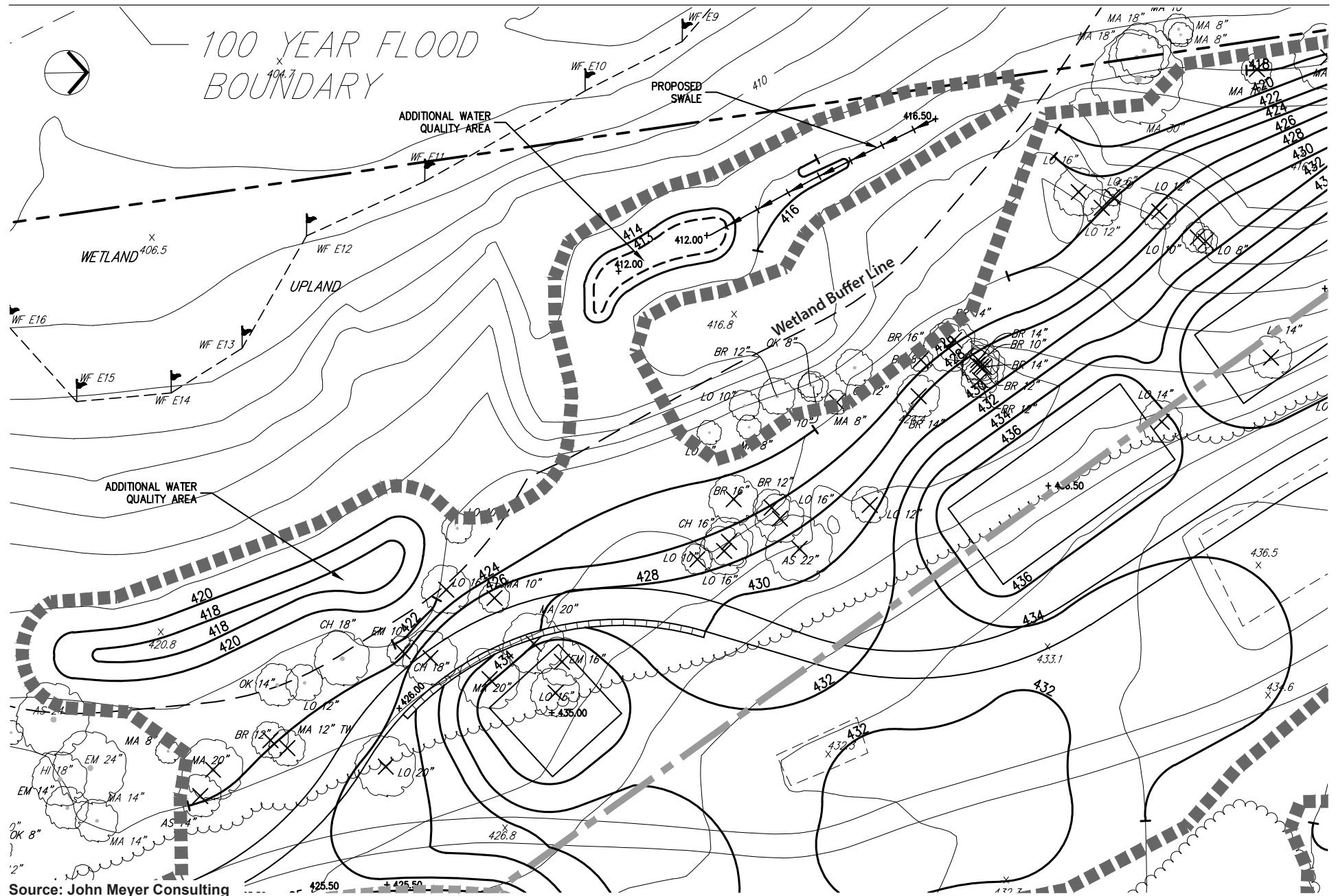
Source Carlin-Simpson and Associates

**BRYNWOOD**  
North Castle, New York

Borings and Test Pit Locations

Exhibit

**II.H-2B**



Source: John Meyer Consulting

# BRYNWOOD

## North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, P.C.

## Additional Water Quality Areas Downgradient of Disturbance

**Exhibit  
II.H-3**

## I. Wastewater

### COMMENT I1:

*The applicant has established an average daily flow of 52,000 gpd as the project's design flow. The flow was determined based on NYSDEC accepted criteria and appears to be appropriate for the intended use as long as no unforeseen usage occurs within the facility. If unusual flows occur, they are typically related to a commercial kitchen, laundry and/or shower related issues. We would recommend that the project approval require the applicant to design and maintain the clubhouse with automatic shut off fixtures within the kitchens and restrooms, water saving devices within the showers and low flow laundry equipment.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE I1:

Water saving measures will be installed within the commercial kitchens, locker room shower facilities and within the laundry facilities at the clubhouse. All plumbing fixtures sold in the United States are required to be federally certified according to codified federal water conservation standards administered by the U.S. Department of Energy under 10 CFR Part 430. These regulations apply to faucets, shower heads, toilets and urinals. Within the laundry facilities, high water-efficiency washers which use less water will be utilized.

### COMMENT I2:

*The proposed project will include the construction of a new sewage treatment plant with advanced biological treatment and a new sewage collection system which will service the proposed on-site residences and clubhouse. The existing plant, which has available capacity, is proposed to be used during the initial phase of the project while the new plant is being constructed. The new plant will be brought on-line as the existing plant reaches its capacity. The applicant anticipates the new plant would be placed in service when club membership reaches 200 members and occupancy of 15 residences or other equivalent is reached. We understand and concur with the need to transition between the plants, however, we do not recommend that the Town be required to monitor memberships. The applicant's proposal is reasonable and we would recommend regardless of the number of members that the plant be operational prior to the 15th Certificate of Occupancy, the existing plant reaching full capacity or a set time frame of 18 months after approval, whichever occurs first.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*



**RESPONSE I2:**

Comment noted. The Applicant notes that requiring the new facility to be operational prior to the 15th residential certificate of occupancy, or as otherwise required by NYSDEC, would be a reasonable condition. However, requiring it to be operational based only on lapse of time would not be reasonable, because a sufficient number of residences to justify operation might not be completed, and other circumstances beyond the Applicant's control may preclude its ability to comply.

**COMMENT I3:**

*The sewage treatment plant and collection system is proposed to be constructed by the applicant at their expense. Annual maintenance costs are proposed to be split between the club (39%) and residences (61%). The cost to residences is projected to be between \$1,386.00 and \$1,733.00 per year. The applicant, however, has not yet decided on how costs will be proportioned between residences. We would recommend that costs be proportioned between residences based on water usage as determined through metering, since such methods typically encourage conservation.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE I3:**

Comment noted. The Applicant acknowledges that metering typically encourages conservation of water.

**COMMENT I4:**

*The project is located within the Byram River watershed, tributary to Long Island Sound. Long Island Sound is a TMDL which has allowable pollutant loading quality standards for point and non-point sources in both New York and Connecticut. North Castle Sewer District #2, which also discharges to the Byram River, recently performed a multi-million dollar project to reduce the nitrogen discharge from the District's plant. We would recommend that the project's sewage treatment plant upgrade be required to comply with the TMDL water quality standards without impact on future expansion, or limitations on North Castle Sewer District #2 plant.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE I4:**

The Brynwood Country Club's existing rotating biological contactor (RBC) wastewater treatment plant (WWTP) and current 16,000 gpd State Pollution Discharge Elimination System (SPDES) permit do not



restrict the level of nitrogen in the wastewater discharge. In contrast, the upgrade of the existing Brynwood wastewater treatment plant to a new 50,000 gpd facility will likely incorporate new membrane bioreactor (MB) technology. MB systems typically are effective at achieving low concentration of nitrogen levels in the wastewater discharge stream whereby only 6 mg/l (or 2.5 lbs/day @ 50,000 gal/day) may be expected. Since nitrogen monitoring is not presently required for Brynwood's RBC, an estimate still may be made. Based on Brynwood's (formerly Canyon Club) 1988 Wastewater Facility Report for SPDES Permit Application by D.F. Wheeler Engineers the nitrogen concentration for the existing treatment plant was estimated to be 71.4 mg/l (9.53 lbs/day @ 16,000 gal/day flow rate). The upgrade of the Brynwood WWTP to a MB system will significantly lower the nitrogen concentration in the treated wastewater discharge to 6 mg/l (2.5 lbs/day at 50,000 gpd). Therefore it is estimated that the upgraded Brynwood WWTP will provide a 74% reduction in the potential quantity of nitrogen in the treated discharge with a flow rate that is 3.13 times greater.

The Brynwood WWTP, presently as well as after the future upgrade expansion, discharges treated wastewater to the Byram River. Likewise, the Byram Hills High School wastewater treatment system located to the south along Route 22 and the Town of North Castle Sewer District No. 2 WWTP located at Business Park Drive also discharge treated wastewater to the Byram River.

The Byram River is tributary to Long Island Sound. Westchester County's New Rochelle, Mamaroneck, Port Chester and Blind Brook WWTP's are also tributary to the Long Island Sound. As is described in the Town of North Castle's SPDES permit #0109584 for the District No. 2 WWTP, the Long Island Sound Study (LISS) Management Conference has adopted actions for hypoxia management and the states of NY and CT have jointly established the TMDL nitrogen load for the sound. The TMDL establishes individual Publicly Owned Treatment Works (POTW) Waste Load Allocations (WLAs) for LISS Management Zones. These five POTWs (North Castle's and the four belonging to Westchester County) are identified as being within LISS Zone 7. Representatives of NYSDEC have confirmed that smaller and non POTW facilities, such as at Brynwood and Byram Hills High School are not subject to the TMDL. The expansion and upgrade of the Brynwood WWTP will therefore have no bearing or impact on future expansion or impose a limitation on the Town's Sewer District No. 2 WWTP. The proposed Brynwood WWTP upgrade will be required to be designed and operated in compliance with all applicable standards of NYSDEC at the time of SPDES permitting.

#### COMMENT 15:

*The DEIS discusses the use of the sewage treatment plant discharge as grey water re-use for golf course irrigation during the summer months. The summer months are typically when the golf-country club will experience the greatest water-sewage usage. The document states that the applicant will consider such re-use. In our opinion, re-use of sewage effluent is a positive beneficial re-use of resources which should be encouraged with the project. The green practices can be expected to reduce discharge to Long Island Sound, recharge groundwater, reduce groundwater withdrawal and reduce pumping costs.*



*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE I5:**

Comment noted.

**COMMENT I6:**

*In addition to Department review and approval of the new proposed treatment facility proposed for construction in Phase I of the project, if the new wastewater treatment plant results in any changes to wastewater discharge locations, these changes must be identified and included in the request to modify the existing Article 17 SPDES Permit NY0069299.*

*(Letter #8, Jean McAvoy, NYSDEC, 7/26/13)*

**RESPONSE I6:**

Comment noted.

**COMMENT I7:**

*Any proposed wastewater treatment facilities to serve this development will require approval from this Department in accordance with Article XXII of the Westchester County Sanitary Code.*

*Any proposed public water and/or sewer mains to serve this development will require approval from this Department in accordance with Articles VII and XXII of the Westchester County Sanitary Code.*

*(Letter #5, Natasha Court, PE, Westchester County Department of Health, letter dated 7/16/13)*

**RESPONSE I7:**

Comment noted. The Applicant would be required to comply with Articles VII and XXII of the Westchester County Sanitary Code.



**COMMENT I8:**

*As I understand, the developer is asking NY State to increase its output by 3x on the SPDES (State Pollution Discharge Elimination System) permit so that it can use the current system and build the septic system after all else is completed. If that is done there may not be any reason to build the infrastructure until all else is built. They are currently dumping this sewerage gray water into Sniffen Brook, a tributary that leads on to town property and goes past 15 +/- homes and on to the Byram River. This is an old plant that may be in use for several more years while the builder builds out his units. Is this in line with what people are expecting out of this project? The area surrounding the golf course is some of the area's pristine properties as far as environmentally clean.*

*(Letter #20, Steve Schneider, 8/20/13)*

**RESPONSE I8:**

The existing Brynwood wastewater treatment plant does not discharge to Sniffen Brook. The plant discharges at the outlet of the existing ponds at the Site, which drains by an unnamed tributary to Byram River. The existing plant would continue to operate until it is replaced by a new plant designed, permitted, and operated in accordance with the requirements of the Westchester County Health Department and NYSDEC.

**COMMENT I9:**

*The current septic plant this past year had 12 exceedances from May through August and during October, which averaged 22,307 gpd (gallons per day). As they currently have not been able to live within the set of standards that were designed into the original plant at higher water rates there is no sure way of knowing if these assumptions are correct at all. As I read the documents, the system is capable of 17,500 gpd and 12 exceedences from a clubhouse that is barely at capacity. What will happen when full capacity is reached 40,000-50,000 gpd and still using the old system? How long will it be permitted? Is there any time line for start or completion dates for infrastructure?*

*(Letter #20, Steve Schneider, 8/20/13)*

**RESPONSE I9:**

Comment noted. The existing Brynwood wastewater treatment plant is operated in compliance of the SPDES permit issued by NYSDEC. Monthly operating reports are filed by the Applicant with the Westchester County Department of Health.

However, as with the Town of North Castle plant located at Business Park Drive which serves the Armonk Central Business District, the Business Park, IBM, Whippoorwill Hills, Sands Mills, Thomas Wright Estates



and other residential areas, the SPDES permitted flow limit is established for a monthly average daily discharge to account for normal day-to-day fluctuation in wastewater flow and periodic rainfall events. Older wastewater collections systems are subject to rainwater inflow and infiltration (I&I) due to sanitary sewer pipe and manhole systems that may not be water-tight and illegal connections of household drains and basement sump pumps. The Modified Project would include all new sanitary sewer piping and manholes which would be tested against leakage before being placed into service pursuant to WCDOH regulations. Also, the clubhouse and residential buildings would not have illegal drainage connections. Therefore, I&I would not be expected.

Lastly, the basis for the updated SPDES permit for the Modified Project would be established using current NYSDEC wastewater generation rates, which are conservatively overstated. Although a daily excursion of peak flow could occasionally exceed the monthly average daily flow permitted under the SPDES permit for the new wastewater treatment plant, there should be fewer than the 12 excursions which occurred at the existing wastewater plant during the past year.

**COMMENT I10:**

*The building of a sewerage treatment plant surrounded by homes in a residential community is not what people invest in. In so doing, the town will have no ability to control it, as it will be a state issue if it is allowed. In addition, if the developer can no longer support the infrastructure, the town may have no choice but to take over the water treatment facility. Is it within the standards of what would be required if it belonged to the town from the beginning? At 200,000 thousand dollars per year this is a very expensive proposition to maintain if it is not built to our standards.*

(Letter #20, Steve Schneider, 8/20/13)

**RESPONSE I10:**

Comment noted. If the Modified Project is approved, then under the New York Transportation Corporations Law:

- (1) The Town Board must require the posting of a performance bond for the construction of the new facility, and could require a labor and material bond, or other guaranty of payment, for labor and materials, including the cost of retained engineering services to the Town Board;
- (2) The Town Board must require a guaranty from the sewage-works corporation that would own and operate the facility that the corporation will maintain and operate the system for at least five years, in the form of a bond or other security in the amount of the estimated cost of operation and maintenance of the sewage-works project, less the estimated revenues which are received from properties served, and to



be utilized to defray such operation and maintenance costs, as reported by the licensed professional engineer or consulting engineering firm to the Town Board.

(3) In addition to the guaranty, the stock of the corporation must be placed in escrow and title thereto would pass to the Town Board in the event of failure to complete the construction thereof, or in the event of abandonment or discontinuance of the maintenance and operation of the system by the corporation.

(4) In the event of abandonment or discontinuance of the maintenance and operation of the system, the Town Board would have the right to continue the maintenance and operation of the system at the established rates, with the costs assessed against the users, and it could levy taxes, or sewer rents for such purposes in the same manner as if such facility were owned by the Town. The Town Board would have such powers until such time as another corporation or agency undertakes to maintain and operate the sewer system, or until such time as it becomes a part of a Town, or Town sewer district, system.

**COMMENT I11:**

*Byram River, as of this past year just got listed in 2012 on a State document of Impaired Waters Requiring a TMDL. This is very important as the status of the river has changed and the State is attempting to clean it up. Was this material change in the rivers status done before this report or after? As this is a time line of information that may cause a material change in the outcome of these issues. TMDL is a process where the total amount of pollutants is exceeding a set of standards based on water flow. This water ends up in Long Island Sound, the waterway is currently on town property as I understand, and as such, the town representing the collected interests of all of its residents has a higher standard to assist NY State in cleaning up our pollution problems. In Nassau and Suffolk County's you are responsible for all of the runoff from your property. Is our town saying to its residents that you are allowed to dispose of your waste water onto your neighbors property or allowing its residents to dump into our public lands?*

(Letter #20, Steve Schneider, 8/20/13)

**RESPONSE I11:**

Comment noted. See Response I4.



## J. Visual Resources

### COMMENT J1:

*The DEIS proposes night tennis court lighting. The Applicant should provide additional information regarding impacts the lighting of the courts would have upon the road/streetscape and neighborhood ambient lighting.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

### RESPONSE J1:

Exhibit II.J-1 of this FEIS, Preliminary Lighting Plan (w/o Tennis Court Lighting), depicts the lighting levels if the proposed tennis courts were not illuminated for nighttime play. Comparison of that plan with Exhibit II-17 of the DEIS, Preliminary Lighting Plan, which depicts the anticipated lighting levels if the proposed tennis courts were to be illuminated, demonstrates that the affect 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.

### COMMENT J2:

*Applicant's statement on P. III.C-6 that the project is compatible with the current pattern of development in the area and would preserve overall visual character is factually unsupported.*

- *Bedford Road by Brynwood is currently a country road with a viewshed of open space and trees that create the rural sense of community that defines Armonk in this section of town.*
- *Applicant provides no facts only opinion that adding 88 residential units to this viewshed is both consistent with the current development in the area and that it would preserve the overall visual character.*
- *Applicant also fails to provide evidence how the proposed multi-family development is consistent with the historic use of the area and how it will evoke the history of Armonk as stated by Applicant on P. III.C-6.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

### RESPONSE J2:

In the vicinity of the Site, Bedford Road currently has a viewshed of open space and trees, but also of homes, the Coman Hill Elementary School and the existing country club building and parking lot. The visual character of Bedford Road is proposed to be preserved by the use of stone walls and an extensive landscape buffer that would be consistent with existing buffers and walls in the vicinity. Long views



through the Site to the west would complement the viewshed along Bedford Road.

As described in the DEIS, in Chapter III.C, Visual Resources, the proposed condominiums have been designed to take advantage of the topography of the Site and reflect the architectural traditions of the area. Moreover, the Site's frontage along Bedford Road has been altered in the Modified Project, increasing the buffer area to 100 feet and replacing the seven previously proposed Club Villas with five Golf Cottages (see Exhibit I-4, Plan Comparison and Exhibit I-5A, Illustrated Master Plan). The cottages are single family homes similar in scale to the single family homes across Bedford Road in Windmill Farms.

**COMMENT J3:**

Clubhouse & Parking Area-Existing Plantings *The white pine screen planting at the existing main parking area was required as an original condition of approval for the golf course complex. These trees have long outlived their function. The entire landscaping along Rte. 22 should be completed in a Phase I Plan prior to any building construction.*

*Provide a Phase I landscaping plan that would provide screening along the entire length of Rte. 22 and along the south property line adjacent to Coman Hill Elementary School.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE J3:**

The Conceptual Landscape Plan for the Modified Project (FEIS Exhibits I-7 through I-12) 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 south property line adjacent to Coman Hill Elementary School, as part of the first phase of construction. Note that the Modified Project includes a 100 foot buffer along the entire perimeter of the Site.

**COMMENT J4:**

Views into Site west side Rte. 22 *This view [Exhibit III.C-2]-shows a stone wall deep within the Site adjacent to Club Villas and does not show the structures of the close-by Villas. In addition, the Project Proposed Zone Amendments is requesting a reduction in the 25 ft. buffer along all lot lines adjoining or across the street from properties in residence districts (Windmill Farm and Embassy Court).*

*Provide a realistic view west from Rte. 22 of the proposed development together with buildings showing the proposed height and size.*



(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)

**RESPONSE J4:**

Comment noted. The proposed 100-foot buffer along the perimeter of the Site would provide a larger buffer between the Club and golf course community and homes adjoining the Site, and located across Bedford Road.

A view of the Project from Bedford Road is in DEIS Exhibit III.C-2, View 1, View 2, and View 3; and Exhibits III.C-3A and 3B (cross sections from Bedford Road). However, note that the Modified Project includes a 100 foot buffer from Bedford Road, and that the residential structures closest to Bedford Road have been changed to Golf Cottages, which are lower in height than the previously proposed Club Villas, and are similar in scale to the single family homes in the Windmill Farms neighborhood located across Bedford Road. See FEIS Exhibits I-7 through I-12 for Conceptual Landscape Plans for the Modified Project.

**COMMENT J5:**

Cross Sections B and C These simulations show a stone wall and mature vegetation along the entire length of the project at the Bedford Road/Rte. 22 area. Presently construction is scheduled in three phases.

Develop a plan and text that includes the stone wall and landscaping along the entire Club Villa area in a Phase I alternative.

(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)

**RESPONSE J5:**

Comment noted. The Applicant would be required to install all of the Bedford Road frontage landscape buffer as part of the first phase of construction. See also Response J4.

**COMMENT J6:**

Visual Resources & Community Character Nearly 100 percent of vegetation along Rte. 22 will be removed for construction in the vicinity of Club Villas.

Identify the number of significant trees and square feet of naturalized vegetation that must be removed along Rte. 22 in the vicinity of the Club Villas.

(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)



**RESPONSE J6:**

A detailed description and rationale for removal of the trees along Bedford Road/Route 22 for the DEIS project is on Pages III.E-16 to III.E-19 of the DEIS. Three significant trees were proposed to be removed in this area. Approximately 14,000 square feet of vegetation would also be removed in that area and replaced with a mixed deciduous/evergreen screen. It should be noted that the majority of the existing vegetation is composed of early successional species including black locust, Norway Maple, Tree of Heaven, black birch and black cherry. Replacing existing vegetation with an evergreen screen would provide a more robust buffer to the properties across Bedford Road, as well as remove a source of potential damage to the above ground utility lines along Bedford Road. With the Modified Project, the buffer would be a minimum of 100 feet wide along Bedford Road, although the same trees and vegetation would be removed. However, the wider buffer, together with the substitution of Golf Cottages for Club Villas and elimination of the internal road parallel to Bedford Road will provide an increased opportunity to provide a larger, mixed deciduous/evergreen screen between Bedford Road and the residences. (See FEIS exhibits I-7 through I-12).

**COMMENT J7:**

North Castle Code - Article VII Special Permit Use      3). *Buffer Areas. 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.*

*Proposed development of the 10th Tee in the vicinity of residences at Embassy Court and the extensive removal of existing vegetation along Rte. 22 in the vicinity of the interior roadway at Club Villas are below or barely meet the above standard.*

*The Brynwood Petition Proposed Zone Text Amendment proposes to allow a reduction of the 25 ft. buffer along all lot lines adjoining or across the street from properties in residence districts.*

*Revise the Proposed Zone Text Amendment related to amending Section 213-33.I, IV-3 pg. 2, Buffer area, and eliminate the proposal to reduce existing residence buffer widths at Brynwood.*

*Provide a revised layout that will increase landscape buffer areas in the vicinity of proposed new units.*

*Explain why expansion of residential buffers related to major development areas such as Brynwood Villas and the larger Golf Residences should not be considered?*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE J7:**

The Modified Project has been proposed by the Applicant to address comments to the layout of the project, and includes a 100 foot wide buffer along Bedford Road. The access road and the existing Club parking area



would be permitted in the buffer area, however, no residential structures would be permitted. See FEIS Exhibits I-7 through I-12 for Conceptual Landscape Plans for the Modified Project.

See Responses A3 and J4, and Appendix R regarding the revised proposed amendments to the Town Zoning Ordinance.





BASED ON THE INFORMATION PROVIDED, ALL DIMENSIONS AND LUMINAIRE LOCATIONS SHOWN REPRESENT RECOMMENDED POSITIONS. THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING OR FUTURE FIELD CONDITIONS.

THIS LIGHTING PATTERN REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS UTILIZING CURRENT INDUSTRY STANDARD LAMP RATINGS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER VARIABLE FIELD CONDITIONS.

#### Calculation Summary

Label	Units	Avg	Max	Min	Avg/Min	Max/Min	PtSpcLr	PtSpcTb
PARKING SUMMARY	Fc	1.70	8.7	0.1	17.00	87.00	10	10
ROADWAY SUMMARY	Fc	1.29	8.2	0.1	12.90	82.00		

#### Luminaire Schedule

WLS8947 BRYNWOOD ROADWAY ARMONK, NY PM: DEAN

Symbol	Qty	Label	Lumens	LLF	Description
●	91	A	14000	0.800	WLS-860-5-150-PSMH-A4 12' MOUNTING HEIGHT

Source: WLS Lighting

**BRYNWOOD**  
North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, PC.

**Preliminary Lighting Plan  
(w/o Tennis Court Lighting)**

**Exhibit  
II.J-1**

## K. Traffic and Transportation

### COMMENT K1:

*I know that 50 individual houses will bring more families with more commuters, more cars during rush hour, but club condominiums will bring more retirees to travel at off-peak times.*

*(Edward Goldin, Public Hearing 6/27/13, pages 68-69)*

*A community of empty nesters and retirees will generate less peak hour traffic than 49 new single family homes.*

*(Alan Cohen, Public Hearing 7/10/13, page 40)*

*The traffic issue on Route 22 is only on school day mornings, just prior to the start of school. And most of that is due to many students being driven to school rather than using the buses. I expect many of the two or three bedroom condo unit owners will be retirees. If this plan is not approved and the land is divided and sold for individual four or five bedroom homes for larger families, there is sure to be more school hour traffic.*

*(Jeffrey Stein, Public Hearing 7/10/13, page 59)*

### RESPONSE K1:

Comments noted.

### COMMENT K2:

*The DEIS fails to include an analysis of other major intersections that will be negatively impacted by the proposed development, i.e. Route 22 and Cox Avenue, Route 22 and Sterling Road North, Route 22 and Sterling Road South, and Route 22 and Creemer Road. Not only should all of these intersections be properly analyzed in the FEIS, but effective solutions should be offered as well.*

*(Letter #21, Jan Bernstein, ROWI, 8/20/13)*

*The DEIS does not contain data regarding traffic turning from Cox Avenue north onto Rte 22. Cox Avenue is a major transit route for residents going to/from the north of town to the west portion of the village and to Mt. Kisco. In my view, this is one of the more dangerous intersections on that stretch of road as cars enter Rte 22 Northbound from Cox Avenue must cross the line of cars heading South on Rte 22. Obviously cars from Brynwood proceeding South through this intersection will exacerbate the problem.*

*(Letters #7 and 11, Earle Yaffa, 7/10/13 and 8/13/13)*



*The DEIS forgets one major intersection. It doesn't include data from traffic turning from Cox Avenue north on to Route 22.*

*They also decided to ignore people turning from Sterling Road or Creemer Road who are the residents who own houses on 22. While the volume of this traffic may not be large in terms of its impact on 22, that is a very dangerous turn for the drivers on that road who are trying to either come out and take a left into town or if you are going from the west side take a left turn too. So in either case they ignored that data and they ignored the fact you have households who try to make that turn and someone driving out of a driveway on 22, it's already dangerous. If you get an increase in traffic, you're only going to make it worse.*

(Earle Yaffa, Public Hearing 7/10/13, page 25-26)

*The traffic study should be redone to include Cox Avenue as it meets Route 22. Anyone who travels the Route 22 corridor will realize that leaving this critical intersection out of the study is a serious flaw.*

(Letter #18, Robert Greene, 8/20/13)

*The study includes no information on traffic issues experienced by cars entering Rte 22 from either Sterling Road or Creemer Road (or by residents who own homes along Rte 22). While the volume of cars may not be large, this is already a dangerous turn for those drivers and increasing traffic on Rte 22 will only make it worse. Brynwood could significantly increase these delays.*

(Letters #7 and 11, Earle Yaffa, 7/10/13 and 8/13/13)

*Based on the Traffic Impact Study included in the DEIS submitted to the Town Board for review, I believe the Town Board should reject this application. The Study is based on certain assumptions that may be inaccurate, omits a traffic analysis at a major intersection which is currently experiencing (and will continue to experience) major delays (Rte 22 and Cox Avenue), and does not include delays in access to Rte 22 from Creemer Road, Sterling Road and the houses directly on Rte 22. However, even with these deficiencies in the study, it still concludes that traffic is so bad at certain major intersections that the increase in the number of cars from Brynwood will have no SIGNIFICANT negative impact; that means that it will have some negative impact.*

(Letter #7, Earle Yaffa, 7/10/13)

## RESPONSE K2:

Nine intersections along Bedford Road/Route 22 were analyzed as required in the scope adopted by the Town Board. Although the Bedford Road/Cox Avenue, Bedford Road/Sterling Road, and Bedford Road/Creemer Road intersections are not required to be studied under the adopted scope, the Applicant's traffic consultant has in response to these comments performed capacity analyses of all three. As shown in Appendix Q of this FEIS, the capacity analyses demonstrate that similar Levels of Service and delays will be experienced under Future No-Build and Future Build Conditions at all three intersections.



**COMMENT K3:**

*The Transportation industry uses a grading system for the level of service along a road. The intersections that are projected to fail during one of the time periods studied under this system, are:*

*Route 22 and Tripp Lane- grade "F"..... Rte 22 and I 684 South - grade "F"*

*Route 22 and Upland Road- grade now "E", projected "F"*

*I am not a traffic engineer so I make no claim to understand all of the data in the study ... but I do understand that "F" is bad. How often are projects undertaken to increase traffic where traffic is already considered failing? I don't think the Town Board can approve a project on the assumption that "traffic is bad, we'll make it worse, but since it's already bad, who cares."*

*(Letter #7, Earle Yaffa, 7/10/13)*

*The word significant seems to be a favorite word of the engineers. But without defining significant, the best they could say from all of their traffic studies is it has no significant impact. That to me means it will have some negative impact and no one has told us what that is.*

*The transportation industry from the study uses a grading system for the level of service. The intersections are projected to fail during this and they have three intersections that are graded F. F is the worst rating you could have. And they are projected, two are already F and one is projected to be F with this. Now maybe once you're at an F, it's as bad as you could get. So it has no significant impact because it's already bad. But that doesn't seem to satisfy me. I don't think the Town Board can proceed ahead on the assumption that traffic is bad. Brynwood will make it worse, but since it's already bad, who cares. I don't think that's a definition that we would go ahead on.*

*(Earle Yaffa, Public Hearing 7/10/13, pages 21-22)*

*The DEIS notes that certain intersections (Route 22 and Upland Lane, Route 22 and Tripp Lane, Route 22 and I 684) are projected to fail, yet provides no solution for this problem.*

*(Letter #21, Jan Bernstein, ROWI, 8/20/13)*

**RESPONSE K3:**

Comments noted. The overall conclusion of the Applicant's Traffic Impact Study is that "the proposed project will not significantly affect the area roadways" since the results of the capacity analyses indicate that "similar Levels of Service and delays will be experienced under Future No-Build and Future Build Conditions."



**COMMENT K4:**

*The DEIS uses assumptions on the number of cars leaving the development. They assume that the 88 units would generate only 39 exiting trips in the morning rush hour. While this may be standard data for condominium/townhouse projects, it seems totally unrealistic. This is less than ½ trip per household per day and does not take into account that this is the major route for all commuters, and provides access to all services in town.*

*(Letters #7 and 11, Earle Yaffa, 7/10/13 and 8/13/13)*

*It starts with a basic assumption that the 88 units will only generate 39 trips in the morning rush hour between 7 and 9:15. Now they use some standard data for that. To me that's one half a trip per household per day of the families living there. I ask everyone around this room to ask themselves how many trips do they take out of their house between 7 and 9 in the morning? Is it a half a trip a day or I think there are some people even those who access this who may be on the Town Board who will tell you they take two trips a day during the busy rush hour period. So they start with an assumption that's bad. That at least to me is incredible.*

*(Earle Yaffa, Public Hearing 7/10/13, pages 23-24)*

**RESPONSE K4:**

The anticipated site generated traffic volumes analyzed in the DEIS for 88 units are based on industry standard information published by the Institute of Transportation Engineers in the “Trip Generation Handbook”, 9<sup>th</sup> Edition, for ITE Land Use 230 – Residential Condominium/Townhouse units. Based on the generation rates in that published source (and without any reduction to account for the adult orientation of the proposed community), the Traffic Impact Study analyzes 47 trips (8 entering trips and 39 exiting trips) during the 7:00 AM to 8:00 AM hour and 47 trips (8 entering trips and 39 exiting trips) during the 8:15 AM to 9:15 AM hour. The Modified Project FEIS Alternative 1 would generate slightly less traffic than the DEIS Proposed Action.

**COMMENT K5:**

*A study of this type should include a sensitivity analysis (common in most business and scientific analysis) which would show the impact if traffic leaving Brynwood (particularly during the morning peak periods) is far in excess of the projections used. My understanding of the "queueing theory" used in this analysis is that increasing the number of vehicles entering the queue does not increase wait times linearly but will instead create an exponential increase in the wait times at already failed intersections. We request that the analysis be reviewed using additional data points including an assumption of double the number of cars.*

*(Letters #7 and 11, Earle Yaffa, 7/10/13 and 8/13/13)*



*It should include a sensitivity analyses because if it is sensitive to that then you shouldn't just use this one point they got from a book. But what happens if they are wrong? What happens if you increase the traffic coming out of there?*

*They should have some analyses in here, what if we're wrong, what if we double the number of trips coming out of there? What does that really mean?*

*(Earle Yaffa, Public Hearing 7/10/13, page 24)*

#### **RESPONSE K5:**

As discussed in Response K4 above, the anticipated site generated traffic volumes analyzed in the DEIS for 88 units are based on industry standard information published by the Institute of Transportation Engineers in the “Trip Generation Handbook”, 9<sup>th</sup> Edition, for ITE Land Use 230 – Residential Condominium/Townhouse units and do not take any credit (reduction) into account for the adult orientation of the proposed community.

The Traffic Impact Study also included an analysis of queuing conditions. Based on the results of the capacity analysis, the DEIS Project would not significantly affect the area roadways since similar Levels of Service, delays and queues would be experienced under Future No-Build and Future Build Conditions. This would remain true since the Modified Project in the FEIS would generate slightly less traffic than the DEIS Proposed Action.

#### **COMMENT K6:**

*Many of you know how bad it has gotten on 22, going down to the railroad station. It takes quite a bit more time to get down to the station. I think it is going to get worse with this development. I have seen the significant increase in the number of cars on both Thornwood Road and Long Pond Road during peak traffic periods. More importantly, I have seen a major increase in speeding on both of these roads at times when children are going to school or being dropped off. On three different occasions at town board meetings regarding the Brynwood Development, I have asked that a traffic study be done to determine the number of cars bypassing Route 22 at Middle Pan [Patent] Road into Thornwood and Banks River Road into Long Pond. Except for a mention of Banksville Road in this DEIS, I see nothing in the DEIS that addresses this issue. I again request that this be done based on the current conditions and the anticipated increase in traffic caused by the residents of the Brynwood Development.*

*I recommend that the town or the police department set up some type of device that shows how many people are speeding down both Long Pond and Thornwood Road.*

*(Stan Simon, Public Hearing 6/27/13, pages 47-48)*



**RESPONSE K6:**

Comments noted. The Traffic Impact Study analyzes the Bedford Road/Banksville Road intersection under Existing, Future No-Build and Future Build Conditions. Based on the expected arrival/departure distribution patterns, the proposed residential units would add 2 additional vehicles to Banksville Road and connecting roads during the Weekday Peak AM Hours and add 3 additional vehicles during the Weekday Peak PM Highway Hour. This would remain true since the Modified Project in the FEIS would generate slightly less traffic than the DEIS Proposed Action.

**COMMENT K7:**

*There are 88 condos coming in; 88 more families at a time when our infrastructure is already dilapidated. If this goes through, there will be a lot more traffic on the road and a lot more burden on our emergency services at a time when the new facilities are going in, which means you will get a slower response time when you call 911. I don't want to have a delay.*

(Amy Zipper, Public Hearing 6/27/13, page 61)

**RESPONSE K7:**

Comment noted. Based on the results of the Traffic Impact Study, it is not expected that the additional traffic generated by the residential units would significantly change the traffic operation of the area roadways since “similar Levels of Service and delays will be experienced under Future No-Build and Future Build Conditions”. This would remain true since the Modified Project in the FEIS would generate slightly less traffic than the DEIS Proposed Action.

**COMMENT K8:**

*I really think traffic alone is enough to tell you that the number of units that we are proposing is way out of line. Any number of units will make it worse, but the number of units that we've got is double the number of units that they have a right to expect under our zoning requirements. And by doubling it you're just going to make it significantly worse than if they can proceed ahead with a project that at least they are currently zoned for.*

(Earle Yaffa, Public Hearing 7/10/13, pages 28)

**RESPONSE K8:**

Comment noted. See also Response K7.



**COMMENT K9:**

*This may be a traffic nightmare on any given spring, summer or fall weekend. It may take twenty minutes to get into and out of the facilities with several police directing people back down 22 to 684, and on their way home and by the way, after your corporate golf outing mid-week you can only make a right turn on to Route 22 when you leave. Where do you go to make your U-turn to go to Bedford? In the elementary school or perhaps Windmill Road entrance to Windmill? That's nice and wide and you can do that fast because nobody is there.*

*Next, the Town will ask us to remove the gatehouse because you can't see to the right when you come out of the Windmill exit.*

*(Steve Schneider, Public Hearing 7/10/13, page 99-100)*

*There clearly was an intersection left off of the original report and I made mention to it in my original questions. Windmill Road should have been included in the road study portion because an additional no left turn sign is planned in the exiting of traffic from the property. As the Windmill Road entrance is larger than normal and vision is curtailed at that point due to the gate house. Further study needs to be performed at that intersection.*

*(Letter #20, Steve Schneider, 8/20/13)*

**RESPONSE K9:**

Brynwood Golf & Country Club is an existing, full-functioning country club with food and beverage service and special events. As noted in the DEIS (see Chapter II.B.1.b., Description of the Proposed Action), upgrading the existing facilities would not increase Club capacity, and the Club is expected to maintain, but not increase, the current number of members. Therefore, the improvements and renovations to the Club's facilities and amenities would not generate additional traffic to the area roadways. Club generated traffic is already included in the existing traffic patterns.

Nine intersections along Bedford Road were analyzed as required in the scope adopted by the Town Board. While the Windmill Road intersection is not required to be studied under the adopted scope, the Applicant's traffic consultant has in response to these comments performed a capacity analysis of the intersection. As shown in Appendix Q, the capacity analysis demonstrates that similar Levels of Service and delays will be experienced under Future No-Build and Future Build Conditions at the Windmill Road intersection.

See also Response K12.



**COMMENT K10:**

*Don't forget the full tractor trailers going up 22. It's nice and slow and pulling in and delivering food and liquor and the garbage trucks and restaurant kitchen exhaust. This will be a full time everyday operation during the summer and you expect there to be no negligible impact on police, fire and rescue? What I'm saying here is it's not only about the 88 condos and taxes.*

*(Steve Schneider, Public Hearing 7/10/13, page 100)*

**RESPONSE K10:**

Comment noted. See Response K9.

**COMMENT K11:**

*There are traffic problems up here because when the roads were developed, they weren't developed for this kind of development. So we all have to live with that and make the best we can do with it. You just can't stop development because maybe we got a few more cars on the road. You got to look at better traffic signals and traffic controls and that is the way to have to address that.*

*(Tony Futia, Public Hearing 6/27/13, page 76)*

**RESPONSE K11:**

Comment noted.

**COMMENT K12:**

*Early morning traffic backs up to Sniffen Road and sometimes to Windmill Road on NY 22. In addition, this property is after 2 schools and emergency vehicles cannot pass within reasonable timeframes during school hours. The road appears to be at capacity yet the builder is planning food service for 570 seats plus the support people. Is there an accurate count as to why there is such a major difference between what is being printed and what the perception is?*

*(Letter #20, Steve Schneider, 8/20/13)*



**RESPONSE K12:**

As noted in Response K9, the improvements and renovations to the Club's facilities and amenities would not generate additional traffic to the area roadways. Club generated traffic is already included in the existing traffic patterns.

In addition, it is noted that the highest traffic generator for the Club would likely be a special event in the banquet room. The Applicant has proposed to reduce the banquet room seats from 400 (the current number) to 250 seats with the clubhouse renovations. The events that could fill the banquet room would also most likely be on Saturdays and Sundays, not conflicting with school traffic.

Nine intersections along Bedford Road were analyzed as required in the scope adopted by the Town Board. Although the Sniffen Road intersection is not required to be studied under the adopted scope, the Applicant's traffic consultant has in response to these comments performed a capacity analysis of the intersection. As shown in Appendix Q, the capacity analysis demonstrates that similar Levels of Service and delays will be experienced under Future No-Build and Future Build Conditions at the Sniffen Road intersection.

**COMMENT K13:**

*We commend the applicant for stating in the draft EIS that a complete sidewalk network would be provided to connect all of the proposed residences to the recreational facilities. We encourage the applicant and Town to consider working with the Byram Hills School District to provide a pedestrian connection between the site and the elementary school on the abutting property. This would be a substantial benefit to any school children living within the development since they could walk to school.*

*(Letter #9, Edward Burroughs, AICP, Westchester County Board, 8/6/13)*

**RESPONSE K13:**

Comment noted.

**COMMENT K14:**

*The DEIS states the Applicant would be willing to contribute to the cost of providing secondary access to the Byram Hills High School campus. The Applicant should provide additional information with respect to which of the two access locations identified in the DEIS is proposed. In addition, the impacts associated with the new access should be studied. Furthermore, the Applicant should indicate the amount proposed to be contributed toward the proposed access.*



(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)

*I also had some questions about the Perry Court and Blair Road access that was going to be happening, that was proposed and how that was going to be filled out.*

(Ed Woodyard, Public Hearing 7/10/13, page 19)

*The DEIS mentions alternate access to the Byram Hills High School through either Perry Court or Blair Road. Both roads are 100% residential with about 15 homes on each. I do not believe that either alternate is practical as they are not suited for extensive school bus traffic or high school drivers. Without another study including a public presentation to the residents of those streets, it is inappropriate to include or consider these routes as an alternative in the DEIS.*

(Letters #7 and 11, Earle Yaffa, 7/10/13 and 8/13/13)

*I don't think this Town Board would really go forward to the residents of Blair Court and Perry Road and tell them we're going to building a road there and put a significant number of school buses through that intersection and we're going to have high school kids driving along those roads. There are fifteen residents on each street. If you've taken the time to drive those streets, you'll see they're very residential, they're not at all a thoroughfare. And I don't think it's appropriate to include those as alternatives in the DEIS. So there is really no alternative to Route 22.*

(Earle Yaffa, Public Hearing 7/10/13, page 27)

*The DEIS does not sufficiently address the consequences of an access road running through the residential Blair Road/Perry Court community. The FEIS should address the implications of this access road as well as offer solutions to minimize adverse impacts.*

(Letter #21, Jan Bernstein, ROWI, 8/20/13)

#### **RESPONSE K14:**

The scope adopted by the Town Board requires the evaluation of alternatives to reduce existing congestion at the High School during school hours. Accordingly, two alternative access scenarios are presented in the DEIS (see DEIS Exhibits III.M-21, 22 and 23). The first alternative 1 is a connection to Perry Court providing access to Byram Lake Road, and the second alternative is a connection to Blair Road also providing access to Byram Lake Road. Each of these alternatives would reduce school traffic destined to/from the Byram Lake Road area as well as some traffic destined to/from Bedford Road southbound, and would provide improved operation at Tripp Lane.

As analyzed in the Traffic Impact Study, the Bedford Road and Tripp Lane (Byram Hills High School) intersection is projected to continue to operate at an overall Level of Service "F" during the 7:00AM – 8:00AM Weekday Peak AM Hour (which corresponds to the peaking of Byram Hills High School) with the



northbound approach projected to experience an increase in delay, is projected to continue to operate at an overall Level of Service “A” during the 8:15AM – 9:15AM Weekday Peak AM Hour, and is projected to continue to operate at an overall Level of Service “B” during the Weekday Peak PM Highway Hour. As noted in the DEIS, the increase in delay during 7:00AM – 8:00AM Weekday Peak AM Hour could be reduced by increasing the amount of green time for the northbound approach.

The DEIS states that the Applicant would be willing to contribute to the cost of creating a secondary access to the high school. However, this is no longer proposed by the Applicant, nor required as part of the Modified Project, or as mitigation for any identified potential traffic impact of the Modified Project. Therefore, no further study or cost contribution analysis is provided.

**COMMENT K15:**

*We recommend that the applicant consider bicycle storage or parking areas for the residential units that do not contain individual garages.*

*(Letter #9, Edward Burroughs, AICP, Westchester County Board, 8/6/13)*

**RESPONSE K15:**

Comment noted. Bicycle storage would be provided in the residential garages. During site plan review, additional opportunities for bicycle storage/parking would be explored.

**COMMENT K16:**

*We encourage the applicant and Town to consider working with the NYS Department of Transportation to determine if a potential roadway shoulder widening (or bike lanes) could be provided in the immediate area along Route 22 to more safely accommodate the large numbers of bicyclists who use this roadway.*

*(Letter #9, Edward Burroughs, AICP, Westchester County Board, 8/6/13)*

**RESPONSE K16:**

Comment noted.



**COMMENT K17:**

*The proposed development provides for access to the residential community and golf club from a single main entrance on NYS Route 22. A proposed gatehouse located on the entry road and in close proximity to NYS Route 22 would be manned 24 hours a day. The proposed location provides limited room for vehicle queuing likely to be required for social functions at the golf club and club house, deliveries, etc. Relocation of the gatehouse away from NYS Route 22 would provide the additional area necessary or, as an alternative, as the gatehouse seems more appropriate for the residential component, it may be better suited on the main boulevard drive to the residences.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE K17:**

As noted in Section III.M.2.g of the DEIS and the Traffic Impact Study, the gatehouse would be located at the entry, approximately 65 feet from Bedford Road and would be staffed 24 hours per day. Based on a single lane channel queue analysis (Appendix I of the Traffic Impact Study) no significant queuing is expected at the gatehouse (less than 2 vehicles). In addition, since the gatehouse would be staffed 24 hours a day, any queuing could be controlled by the guard during peak times or during event conditions.

**COMMENT K18:**

*The DEIS is just as noncommittal with regard to accident data. There were approximately 20 accidents in each of 2009, 2010 and 2011 on the stretch of road from Chestnut Ridge Road to Rte 433. While most of the accidents were related to property damage, there were approximately 15 injuries over that period. The study's conclusion is that Brynwood will not have a SIGNIFICANT impact on the accident rate. Does that mean that there will be one more accident a year, or maybe 5....will one more person get injured, or 2 or 3. Is this a risk the Town Board wants to take on a road that is considered below par on any measure of traffic?*

*The conclusions from the DEIS should lead the Town Board to reject the project without further study.*

*(Letter #7, Earle Yaffa, 7/10/13)*

*With regard to accident data, they use the same term, significant. There aren't a lot of accidents on the road. There were twenty accidents in each of the last three years, fifteen injuries over that period of time. It won't significantly increase. That doesn't mean it won't increase. Do we really want to go ahead when we run the risk of adding to an area that's already got significant traffic problems?*

*(Earle Yaffa, Public Hearing 7/10/13, pages 22-23)*



**RESPONSE K18:**

Comment noted. Based on the accident data for the latest three year period, the accident rate along Bedford Road in the vicinity of the Site is 2.35 accidents per million vehicle miles. Based on the traffic that would be expected to be generated by the residences, this would equate to an additional 1 to 2 accidents per year.

**COMMENT K19:**

*They also include a minimum estimate on the impact of the St. Nersess Seminary which is currently under construction. None of us have any idea on the traffic the Seminary will generate but there is a significant risk that it may be in excess of the current estimates. Furthermore, while they do include estimates for Armonk Square, it is not possible to accurately gage the increased traffic from our new supermarket or the anticipated opening of the CVS. Both are likely to generate significant traffic southbound traffic on Rte 22. The traffic analysis should separately estimate the impact of these events.*

*(Letters #7 and 11, Earle Yaffa, 7/10/13 and 8/13/13)*

*But I don't think we can really proceed ahead and know what the traffic impact would be until we really get the supermarket up and running and we get the CVS up and running and they include no estimate for the CVS. I don't know how many extra trips those two things will generate. But they're the two prime shopping areas in town and I think it will be significantly worse than they currently look.*

*(Earle Yaffa, Public Hearing 7/10/13, page 25)*

**RESPONSE K19:**

The DEIS Traffic Impact Study analyzes the Future No-Build Condition, which includes traffic volumes increased by a background traffic growth factor of 1% per year to the 2018 Design Year for a total background growth of 5%, as well as traffic from other approved and potential developments in the area including St. Nersess Seminary, 135 Bedford Road, 170 Bedford Road, 37-41 Maple Avenue, all based on information contained in the Armonk CBD Area Traffic Management Study, 90-92 Business Park Drive based on information contained in the March 17, 2001 traffic impact study for that project, and Armonk Square, based on the August 11, 2011 traffic impact study for that project.



## L. Schools

### COMMENT L1:

*The most comparable development to the proposed Brynwood project is Trump National located in Briarcliff Manor as both projects include a mix of housing types, quality golf and club amenities along with an excellent school district. In the school child analysis, that study lumped Trump National's higher generation of school children with other golf developments in Westchester containing significantly more units for an average generation rate of 0.06 students/unit. However, the generation rate for Trump national alone is 0.3 students/unit. If this rate were applied to the proposed project, approximately 26 students would be anticipated rather than the 19-20 included in the DEIS. The FEIS should provide an analysis of the impact to the School District and Town from this higher generation rate.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

### RESPONSE L1:

The Trump National school children generation rate of 0.3 students per unit is consistent with the Rutgers<sup>1</sup> multiplier for three bedroom single-family attached residences, which is 0.28 students per unit. The 0.28 student per unit multiplier was applied to the 14 proposed three bedroom Golf Villas in the Applicant's calculation of school children generation based on the Rutgers multipliers (see Table III.L-2 of the DEIS), which yields an estimated total of 19.26 children from the 88 units in the DEIS project. Applying the overall 0.3 student per unit generation rate at Trump National to all 88 units would not be appropriate because the residences at Trump National are significantly larger than the units proposed by the Applicant: Trump National condominiums range from 3,159 to 5,400 square feet in size, and have 3.5 to 4.5 bedrooms per unit (Source: Houlihan Lawrence). They are therefore nearly twice the size of the proposed condominiums at Brynwood, which more closely resemble condominiums at St. Andrew's and Arrowwood, both of which have school children generation similar to the projected generation here.

Application of the generation rate from Trump National to all 88 proposed units regardless of size or type of residence yields a total estimated generation of 26 schoolchildren, six more than the worst-case presented for the DEIS project. The Modified Project eliminates three-bedroom units, and includes several more two-bedroom units than the DEIS. As a result, the worst-case scenario for the Modified Project is 17 school children.

Based on the Rutgers multipliers and actual experience at all of the existing comparable projects surveyed by the Applicant, including Trump National, the Applicant considers the worst-case estimate of 17 schoolchildren to be reasonable.

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<sup>1</sup> Rutgers University Center for Urban Policy Research - Residential Demographic Multipliers (June 2006): New York, school age children in public schools, ownership units.



**COMMENT L2:**

*Due to the cost of purchasing and associated club fees, most of these units will be purchased by empty nesters. I know there is concern regarding the larger units and that families might move in. I refer you to the school situation and suggest that the school system can absorb the small amount of new kids that may result.*

*(Edward Goldin, Public Hearing 6/27/13, page 69)*

**RESPONSE L2:**

Comment noted. The Modified Project is designed to attract empty nesters, with 87.5 percent of the units having only two bedrooms. The development would have no playgrounds or play areas for families with children. Given the anticipated population, the anticipated new School District tax revenue per year (approximately \$1,700,000) would far outweigh the cost to educate the anticipated school children. See DEIS: Chapters II, Description of Proposed Action; III.N, Socioeconomic/Fiscal Resources and III.L.1, Schools.

**COMMENT L3:**

*Now, all of their analyses on this 88-unit condominium development are based on their assumption that at least 80 percent of the units are going to get sold to empty nesters. Now, that might work out, but what happens if it doesn't? That case isn't in here. What happens if they renovate the golf course; they build these units and all of a sudden, empty nesters don't buy them? These are large units. What if empty nesters don't buy this, all of a sudden you can have many more school children come in. There isn't a comparison here to 88 units that don't sell to empty nesters. I think there is a risk there and I think that case ought to get included. The same thing can happen if you drop the price, families will start buying and admittedly, they are very expensive.*

*In terms of the size and price, these units could be very attractive to families, but they will argue that that is not true because if you add association fees and club dues, it becomes very expensive for people. Therefore, young families won't buy this, but empty nesters will who want to belong to the country club. But again, if the golf course and club don't work, all of a sudden there is no need for the high maintenance fees and club dues and the cost to move in drops precipitously and it opens the place up for young families and then there is more school kids, and that is not analyzed.*

*(Stuart Kovensky, Public Hearing 6/27/13, pages 25-28)*

*I don't understand how they think they will sell this golf course to senior citizens of 55 and over. The units are too big to think they will only be occupied by empty nesters. I think it will be a place that young families will move in and start sending their kids to school.*

*(Pete Weiller, Public Hearing 6/27/13, pages 55-56)*



*The applicant represents that its marketing will be age-targeted to active adults (page I-3). How is age targeting different from general marketing? What assurance do we have that the condo units won't be sold to families (of any age) that have children?*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE L3:**

See Response L2. The Rutgers multipliers do not distinguish between age-targeted, empty-nester residential units and non-age targeted units, and are based only on type of unit (single-family detached; single-family attached; multi-family unit in buildings with 5 or more units), bedroom count, whether the units is owned or rented, and unit cost or rental amount. The estimate of 17 total school children calculated with the Rutgers multipliers for the Modified Project is therefore an appropriate and conservative worst case, because it assumes non-age targeted units.

It should also be noted that to verify the accuracy of the Rutgers multipliers, the Applicant obtained information from the Byram Hills School District on the actual number of students in the Whippoorwill Hills, Whippoorwill Ridge and Cider Mill developments. A total of 136 students are generated by the three existing developments (as per the School District transportation records, see Appendix L). However, if the Rutgers multipliers are applied to these developments, 153 students would be expected, slightly more than the number of students actually realized. Applying the Rutgers multipliers is therefore considered to be a reasonable method for estimating the worst-case. See memorandum in FEIS Appendix L.

For the Modified Project, the worst case of 17 students would represent a 0.65% increase over the current (year 2012-13) BHSD enrollment. These additional students would yield an average of approximately 1.3 new students per grade.

See Market Study in DEIS Appendix P. See also Response L1, L4, A7, A13, C6 and C11. Age targeted marketing means that the units, floor plans, the buildings and all of the amenities are being designed to attract this demographic, and the marketing materials will reflect that.

**COMMENT L4:**

*She said there are a lot of people in this town that would love to stay in this community, but they don't want to keep up a home anymore. There is no analysis in here of what that impact will have on our schools as those people sell that house; frees up a four or five-bedroom home in town and they move into this community. That is a secondary impact in terms of more kids in our schools that is not analyzed here that ought to be included.*

*(Stuart Kovensky, Public Hearing 6/27/13, pages 30-31)*



*Regarding the number of school age children estimated for the Proposed Action and the studies alternatives, the developers have included local impacts when they make comparisons and adjust numbers to account for a golf course community but they have completely ignored the appeal of the very highly regarded Byram Hills School District. They have also ignored the directly related impact of families with school age children moving into homes vacated by empty nesters moving into a Brynwood development. The DEIS and FEIS school age children estimates should be adjusted to include these factors. I believe that such adjustments are called for by the Rutgers study which the developers cite in arriving at their estimations.*

*(Letter #13, Peter Coviello, 8/19/13)*

**RESPONSE L4:**

Comments noted. There is no reasonably accurate or reliable methodology for assessing how many existing current North Castle residents might move to the Modified Project, and SEQRA does not require assessment of speculative impacts.

However, it is noted that the market study included as DEIS Appendix P, concludes that the Primary Market area would be Westchester County, and the Secondary Market area would be Bergen County, Fairfield County and New York City. Seventy-five percent of the buyers are projected to be from the Primary Market area. Some of the approximately 60 ( $80 \times .75 = 60$ ) buyers from Westchester would likely be current North Castle residents.

The appeal of the Byram Hills School District is not a factor in the school impact analysis because the proposed residential units are not designed for and would not be marketed to families with young children. The Rutgers multipliers yield a reasonable, conservative worst-case based on the assumption that the units of the Project would not be non-age targeted. See Response L2.

**COMMENT L5:**

*Anybody who knows anything about research knows that all research studies are flawed in some way or another. The Rutgers studies and this study, we have to use the best evidence we have at the current time and make the best decisions we can based on the evidence we have.*

*(Edward Goldin, Public Hearing 6/27/13, page 67)*

**RESPONSE L5:**

Comment noted. Methodologies based on industry standard multipliers (the Rutgers multipliers), and on data from existing developments in the School District, are used to estimate the generation of school children (see DEIS Chapter III.L.1, Schools, and DEIS Appendix K).



**COMMENT L6:**

*The other thing that is a very big part of this DEIS is figuring out how many school children this community will actually generate. It is all based on this Rutgers study. There must be other studies out there and if there are, we should be able to see the other studies.*

*(Stuart Kovensky, Public Hearing 6/27/13, page 25)*

*Now, there are some issues of flaws in the use of the Rutgers study in this analysis. The size of these units is large. Their two and three-bedroom units are anywhere between 1,900 and 2,900 square feet. I looked in the Rutgers study for information on the size of the units that they use when they talk about a two or three-bedroom unit in a multifamily development, but I couldn't find anything.*

*They run their analysis through the Rutgers study taking a two-bedroom unit and putting it through the Rutgers analysis of a two-bedroom unit and that distorts the analysis concerning the number of school children.*

*(Stuart Kovensky, Public Hearing 6/27/13, pages 37-38)*

**RESPONSE L6:**

See Responses L1 and L3. The Rutgers multipliers cannot cover every possible variable. It is accepted practice to apply the multipliers that most closely match the type(s) of housing being analyzed.

Regarding other studies, a recent publication by Hudson Valley Pattern for Progress entitled “*The Empty Classroom Syndrome – A Discussion Brief on the State of School Enrollment Projections in the Hudson Valley*” (May 2013) discusses issues school districts are struggling with including declining enrollments, changes in state aid, and being faced with school closings and district consolidations. The report notes that enrollment in the Byram Hills School District is projected to decrease 12% from the peak of 2,818 in 2007 to a projected 2,492 in 2020.

**COMMENT L7:**

*The applicant has projected the number of school age children based on the “Rutgers Study”. This study is not an accurate indicator because it is quite old, measured a very different community, and does not take into consideration the extraordinary attraction that the Byram Hills School system has for young families looking for a top rated education. The applicant should be asked to provide an analysis of the number of school children that actually attend our schools from local subdivisions such as Whippoorwill Hills – and base new estimates of potential school children using local knowledge.*



(Letter #18, Robert Greene, 8/20/13)

*Talking about the reliability of the numbers they are generating from the DEIS, they said, let's analyze the past draft environmental impact statements from Whippoorwill Hills and Whippoorwill Ridge. They tried to use that to support the fact that they were getting reliable numbers out of the Rutgers study which confused me because it was completely different. Originally, if you look back at the DEIS, Whippoorwill Hills and Whippoorwill Ridge, they proposed it being 323 units and 96 units were speculative, and in those 323/96 unit developments, 110 total school kids were expected to be generated; 89 from Whippoorwill Hills and 21 from Whippoorwill Ridge. They actually only built 210, so about half of the 210 versus the original projection of 419, so about half, but how many school kids came through even though they cut it by half? A little bit more, because 119 school age children versus 110 that were projected. So how can you look at that and conclude that these DEIS statements are reliable?*

*...Whippoorwill Hills, when you put it altogether, it is 150 units and 100 kids. That ratio is about two-thirds. The ratio for Whippoorwill Ridge is 19 kids for 55 units which is a ratio of .34. They are projecting a ratio of about 15 kids for 88 units which is a ratio of 0.17. Let's take the ratios of Whippoorwill Ridge and Whippoorwill Hills. If you put those two together, you get a ratio of about .5. So if you have a ratio of .5, you get 44 kids. That is at least 20 to 25 more than what the developer has projected. Those aren't tangible numbers. It is not in the study that was put forward in 2000. It is already 13 years old. It is real life experience and more work has to be done on it to understand what the real cost is.*

(Stuart Kovensky, Public Hearing 6/27/13, pages 31-34)

#### **RESPONSE L7:**

See Responses L1, L3 and L6. There is no directly comparable residential development in North Castle. Whippoorwill Hills, Whippoorwill Ridge and the Cider Mill are three homeowner's association communities with large single family homes, duplex townhomes and some condominium units in multifamily buildings. The analysis in the DEIS is based on what was actually constructed, rather than on what was proposed, and on the actual number of students generated by the existing units (see FEIS Appendix L). The results are consistent with the results obtained utilizing the Rutgers multipliers, which yield a more conservative estimate.

In order to assess an age-targeted golf community in the DEIS, the Applicant surveyed other golf communities in Westchester, including Saint Andrews, Trump National, and Doral/Arrowwood. See Response L14.

#### **COMMENT L8:**

*A two-bedroom unit only generates a small amount of school age children, but if you have a 1,900 and 2,900 square foot two-bedroom unit with a separate den, that even with the developer's own document they call*



*something that has the potential to be a third bedroom, how can you be comfortable looking at that as a true two bedroom as in the Rutgers study? If that is wrong, it can create more school children.*

*(Stuart Kovensky, Public Hearing 6/27/13, pages 31-34)*

**RESPONSE L8:**

Comment noted. See Response L6.

**COMMENT L9:**

*Lastly, the type of sale matters, and this is something that I think is not focused on adequately in this report. They draw the analysis, if you look at the average home in North Castle, how many children it has, it is around 0.8 or something like that, but maybe we should be looking at not the average home currently because we have many empty nesters living in our homes. What if we looked at how many kids come into new homes or resales of homes this large? Is it the numbers that they are saying or is it larger? I think that is something that ought to be studied here because a lot of these things can lead to a higher school population.*

*(Stuart Kovensky, Public Hearing 6/27/13, pages 34-35)*

**RESPONSE L9:**

The DEIS discusses the number of school children in newer single family subdivisions (“new homes or resales of large homes”). Data on the actual number of students generated by recent housing developments in North Castle were obtained from the School District Transportation Office and the Student Directory published by the Byram Hills PTSA. Based on these sources, the number of students from the approximately 500 homes in the Thomas Wright, Sands Mill, Leisure Farms and Windmill Farms developments range from a low of 0.76 per home in Windmill Farms to a high of 1.39 in Leisure Farms. The rate for all ±500 single family homes is 0.9 students per dwelling. To be conservative, the DEIS assumes a conservative multiplier of 1.4 students per single family home.

**COMMENT L10:**

*I believe the Rutgers study is somewhat flawed. If you look though the handbook that guides how to use the Rutgers study, it calls for adjustments to be made, not just for the baseline study numbers to be used as was the case in the DEIS. There have been no adjustments made for the school system excellence, for proximity to New York City and the commutable distance and the fact that there are alternative multipliers such as the ULI and others that could be used to take into effect what would happen and the impact from the development.*



(Mike Oestreich, Public Hearing 6/27/13, pages 50-51)

**RESPONSE L10:**

Comment noted. See Responses L1, L3, and L4.

**COMMENT L11:**

*My concern is the impact on our schools and all I'm asking is for is a true account of how many children we really can expect with Brynwood.*

*I'm sure quite a few of them will be for empty nesters. But there is a part of me that wonders... what if a certain part of the percentage are nesters that bring those children to the school district that we're not really counting on.*

(Barbara DiGiacinto, Public Hearing 7/10/13, page 84)

**RESPONSE L11:**

Comment noted. See Table I-4 in the FEIS. See also Comment/Response L3.

**COMMENT L12:**

*I added up the amount of bedrooms you could have in 49 homes, a little less than 200 bedrooms. Then I added up the number of bedrooms that they are suggesting in their 88 condos. It's more than that, 225. School children are probably a product of bedrooms more than they are a product of anything else.*

(Bob Greene, Public Hearing 7/10/13, page 53)

**RESPONSE L12:**

Comment noted. Number of bedrooms is not, by itself, an accurate indicator of school child generation, which also depends on housing type (i.e., ownership versus rental; detached versus attached, and multi-family), cost and design. Most of the proposed residences are two-bedroom units, which are less conducive to families with children than a four or five-bedroom single-family house. The Modified Project would not have playgrounds or play areas for families with children, and residents would be required to be members of the Club. These factors would diminish the desirability of the units to families with children. Comparison of bedroom count and school age children with the Modified Project is included in FEIS Table I-5.



**COMMENT L13:**

*My suggestions to the Town Board before going forward would be to perhaps contact the Housing Action Council in Westchester and find out what is the average number of children in a two bedroom, a three bedroom or four bedroom affordable housing unit.*

*(Barbara DiGiacinto, Public Hearing 7/10/13, page 86)*

**RESPONSE L13:**

In response to this comment, the Applicant contacted the Housing Action Council, who then provided information for three occupied “Fair and Affordable Housing Developments” in Westchester. This information is compiled in the table below.

**Table II.L-1**  
**School Age Children in Westchester Fair and Affordable Housing Developments**

Development	Units	School Age Children	Multiplier
Roundtop Commons, Cortlandt Manor <sup>1</sup>	91	46	0.51
Cottage Landings, City of Rye <sup>2</sup>	18	2	0.11
3-Family Home, Village of Pelham <sup>3</sup>	3	1	0.33
<b>Total</b>	<b>112</b>	<b>49</b>	<b>0.44</b>

Source: Housing Action Council (Sept. 2013)

<sup>1</sup>One and two bedroom rentals

<sup>2</sup>One bedroom condominiums with and without dens

<sup>3</sup>Two bedroom owner occupied unit with two rental apartments (a one bedroom and a two bedroom)

Using the 0.44 student per unit multiplier from the three Fair and Affordable Housing Developments identified above, the 8 proposed affordable units would generate 4 school-age children. Based on the Rutgers multipliers, the Applicant estimates 5 school-age children for these units.

**COMMENT L14:**

*I would also like to ask the Board to look at the impact on schools in neighboring communities for condo applications that have a development similar to this one.*

*(Barbara DiGiacinto, Public Hearing 7/10/13, page 86)*



**RESPONSE L14:**

See Response L7. As described in the DEIS, the closest similar developments in neighboring communities are: Saint Andrews (Ardsley UFSD), Trump National (Briarcliff UFSD) and Doral/Arrowwood (Blind Brook UFSD). The number of school age children in these developments is as follows:

**Table II.L-2<sup>2</sup>****School-Age Children Generation at Local Golf Communities**

Location	School District	Units	School-Age Children Living in Golf Community*
St. Andrew's	Ardsley UFSD	87 <sup>1</sup>	7
Arrowwood/Doral Greens	Blind Brook UFSD	138 <sup>2</sup>	2
Trump National (1 <sup>st</sup> phase)	Briarcliff Manor UFSD	<u>16</u> <sup>3</sup>	5
Total		241 units	14 students (avg 0.06 students/unit)

Source: \*Verified by e-mail requests and phone interviews with school district officials by VHB (Briarcliff Manor 1/10/13; Ardsley UFSD 1/10/13; Blind Brook UFSD 1/16/13)

<sup>1</sup>Greenburgh Building Department 1/10/11

<sup>2</sup>Doral Greens Owners Association 1/10/11

<sup>3</sup>Briarcliff Manor Building Department 1/10/11

**COMMENT L15:**

*We have a lot of excess capacity in the schools, but please don't forget to consider the fact that the only condominium construction we have in this town is the old schoolhouse behind Citibank. That was closed down because we thought we had too much school – too many school classrooms, so we closed that down. Then we had two very big bonds to pay for to add classrooms because the school population started growing.*

*(Stuart Kovensky, Public Hearing 6/27/13, page 35)*

**RESPONSE L15:**

Comment noted.

<sup>2</sup> Table III.L-3 in DEIS



## M. Emergency Services

### COMMENT M1:

*Page III.L-13 of the DEIS states “There is a fire hydrant approximately 20 feet left of the clubhouse’s front entrance that is regularly tested by the Fire Department. Water supply and capacity is sufficient.”*

*The letter from Armonk Fire Department dated February 22, 2013 (see Appendix B in the DEIS) states “Water flow for firefighting is unknown by this department. One hydrant near the existing clubhouse is a private hydrant, and we have no information regarding water flow, pressure, etc. In addition, history provides that hydrants across the street in the Windmill neighborhood have not always been reliable during fire department operations.”*

*(Letter #1, Bruce Wuebber, North Castle Fire District No. 2, 6/14/13)*

### RESPONSE M1:

The Applicant would decommission and remove the private hydrant near the clubhouse and install new infrastructure, as discussed in Section III.J.3 of the DEIS. Extension of Water District No. 2 to encompass the Site is now proposed. The new water system would provide the necessary water flows and pressure to accommodate firefighting requirements (whether on-site supply or public supply is ultimately provided).

### COMMENT M2:

*Hopefully we have people coming into the community that maybe want to be volunteer fire department members. It also may mean more tax revenue to help fix the roads that have their problems.*

*(Edward Goldin, Public Hearing 6/27/13, page 66)*

### RESPONSE M2:

Comment noted.

### COMMENT M3:

*Page III.L-14 of the DEIS states “The Fire Department also indicated that the Project would be a potential source of new volunteers.”*

*This statement is quite misleading. Our actual statement [in letter from Armonk Fire Department dated February 22, 2013 (see Appendix B in the DEIS)] was: “Any additional call volume puts strains on our*



*Volunteer Fire Department. It is hoped that some of these new residents may be willing to join the Fire Department as firefighters or EMTs. Unfortunately, it has been our experience that with other recent housing constructed in town that this has not been the case."*

*(Letter #1, Bruce Wuebber, North Castle Fire District No. 2, 6/14/13)*

**RESPONSE M3:**

Comment noted.

**COMMENT M4:**

*Page III.L-14 of the DEIS states "No significant adverse impacts are anticipated for the Armonk Fire Department."*

*The letter from Armonk Fire Department dated February 22, 2013 (see Appendix B in the DEIS) states "In regard to fire protection in the parking garages, if sprinklers and standpipes are not provided the District may have to purchase an additional firefighting vehicle with a low height which could be utilized to fight fires in the parking garage. The approximately 200 foot distance from the entrance to the furthest underground parking space may necessitate this type of vehicle to adequately fight a fire and protect the structure."*

*If standpipes and sprinklers are not provided, it is anticipated that purchase of this vehicle associated with the corresponding firefighting tactics should be considered a significant impact.*

*(Letter #1, Bruce Wuebber, North Castle Fire District No. 2, 6/14/13)*

**RESPONSE M4:**

The residences would have sprinklers, in accordance with Town Code. Standpipes would be provided adjacent to the garage entries, either just outside or just inside the entries. As stated in the DEIS (Chapter III.L.4), 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. To accommodate fire trucks, standpipes would be accessible from the ramp leading to the garage entry of the Fairway Residences or Golf Residences.

**COMMENT M5:**

*The letter from Armonk Fire Department dated February 22, 2013 (see Appendix B in the DEIS) states "Based upon the size and weight of our apparatus adequate access must be provided. Ambulance access must have wide enough roadways and paths to get close to the homes/units. All necessary equipment including a stretcher must be carried or wheeled to the emergency location and then returned with the*



*patient to the ambulance. We request that there be no dead-end streets like the one shown on Exhibit 2 – draft rendering – this would be unacceptable.”*

*(Letter #1, Bruce Wuebber, North Castle Fire District No. 2, 6/14/13)*

**RESPONSE M5:**

In response to the February, 2013 letter, the conceptual development plan shown in the accepted DEIS does not include dead-end streets (see DEIS Exhibits I-6, Illustrative Master Plan; I-7, Master Plan – Residential; and I-8 Master Plan – Club). Similarly, the Modified Project presents a revised layout that lessens the amount of the roadway while still providing necessary emergency access. (See FEIS Exhibits I-5A and I-5B). The Modified Project roadways have been designed to accommodate ambulance access. Paved paths have been provided from the roadways to each home entrance. The Applicant would review options for elevator access within the multi-family structures during the detailed design process.

**COMMENT M6:**

*The Fire Station is not plotted at the correct location on the DEIS map. The Fire Station is located at 400 Bedford Road.*

*(Letter #1, Bruce Wuebber, North Castle Fire District No. 2, 6/14/13)*

**RESPONSE M6:**

Comment noted. The Community Facilities map has been corrected, see FEIS Exhibit II.M-1.

**COMMENT M7:**

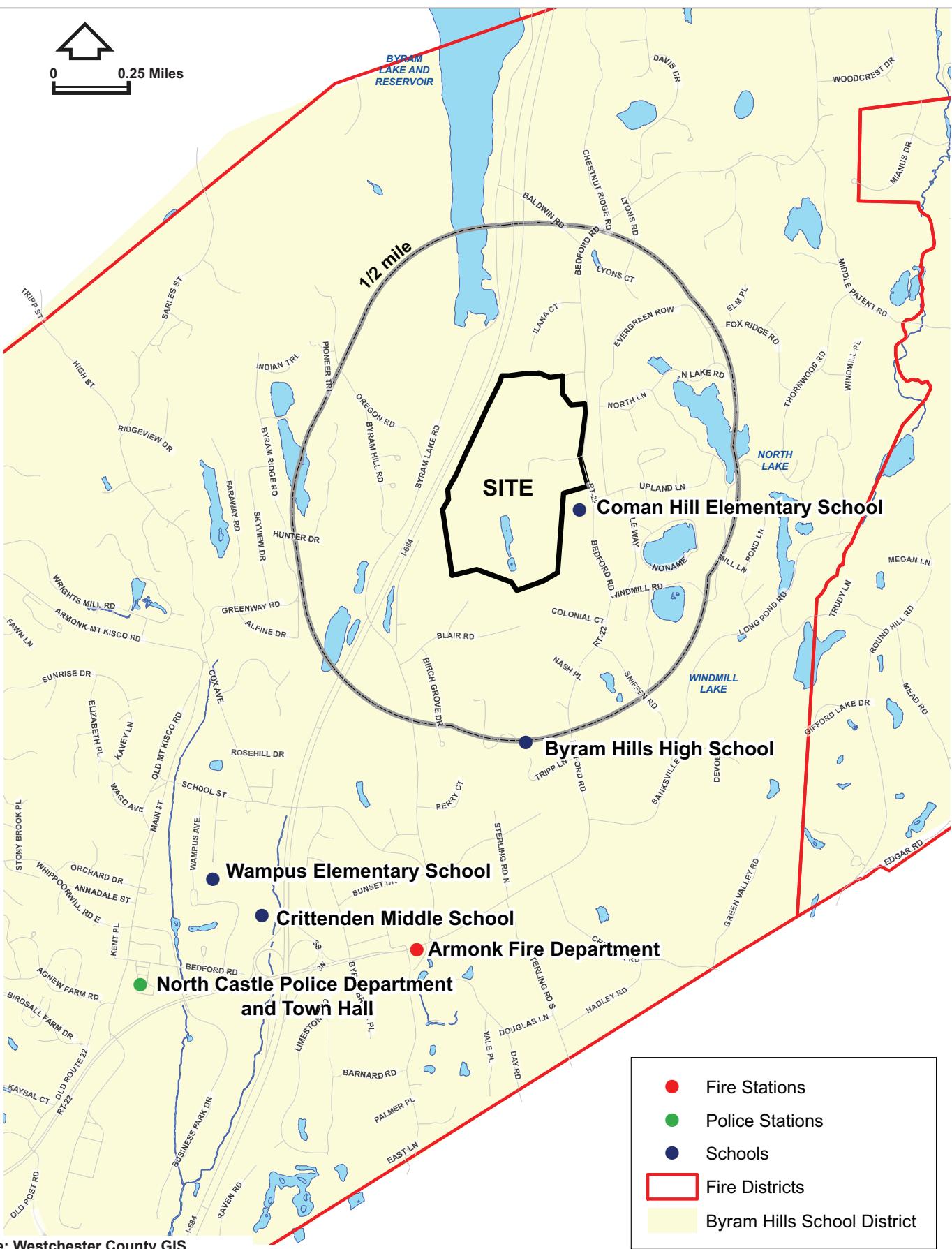
*I certainly don't want tax increases to have to support additional paid members of the fire department and the emergency services team.*

*(Amy Zipper, Public Hearing 6/27/13, page 61)*

**RESPONSE M7:**

Comment noted. It is anticipated that the amount of taxes generated by the Modified Project would be more than sufficient to cover any project generated additional costs to the Town's emergency service providers. See also Response C7.





BRYNWOOD  
North Castle, New York

Community Facilities

Exhibit  
II.M-1

## N. Affordable Housing

### COMMENT N1:

**Westchester 2025** calls for the promotion of “a range of housing types” which this development will include. We commend the applicant for the provision of eight affordable AFFH units in the development which will assist the County in achieving its goal of providing affordable AFFH units under the housing settlement.

We also note that the draft EIS includes a development option where the applicant may construct the affordable AFFH units off site, with 88 market rate units constructed at the country club and nine affordable units constructed elsewhere.

(Letter #9, Edward Burroughs, AICP, Westchester County Board, 8/6/13)

### RESPONSE N1:

Comment noted. The Modified Project has two alternative development scenarios. FEIS Alternative 1 is the construction on the Site of 63 market rate condominiums, 10 fee simple Golf Cottages, and 7 “Affordable Affirmatively Furthering Fair Housing” (“AFFH”) rental units. In 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.I.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.

### COMMENT N2:

*The Applicant has stated in the DEIS that the affordable units, if located on-site, would either be condo units owned by the Applicant, or that the South parcel would be subdivided. The Applicant should indicate which option is preferred at this time and clearly indicate the impacts associated with the selected option. In addition, the DEIS also states that the Applicant is unsure whether the affordable housing requirement will be provided on-site or off-site; this determination needs to be made in the FEIS. If the units are to be provided off-site, the Applicant should specify the proposed location of the affordable housing units at this time. If uncertain as to off-site location, then the Proposed Action should state affirmatively the affordable housing units shall be on the Applicant’s present property. Any subsequent change of location will be subject to SEQRA and the existing Code provisions of the Town of North Castle.*

(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)



*The proposed development includes the construction of fair and affordable housing units; eight units on-site or nine units off-site. If developed on-site, they are proposed to be built in place of the "Fairway Residences". No off-site locations have been proposed in the DEIS. If the units are to be built off-site, the FEIS would need to include the proposed location and a discussion of how and when they are to be built. A site plan analysis would need to be provided within the FEIS in order to assess potential environmental impact.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE N2:**

See Response N1. 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. The Applicant does not yet know whether it will pursue FEIS Alternative 1 or FEIS Alternative 2, but acknowledges that a determination must be made as part of its application for site plan approval of the Modified Project.

Although the physical layout on the Site is essentially the same in both scenarios<sup>1</sup>, there would be a total of 7 fewer market rate residences and one fewer AFFH unit in FEIS Alternative 1, for a total of 80 residential units, than in FEIS Alternative 2, in which there would be a total of 88 units (80 market rate units on the Site, and 8 AFFH units off-site). FEIS Alternative 1 is less intensive than FEIS Alternative 2, and both alternative development scenarios of the Modified Project are less intensive overall than the proposed action plan analyzed in the DEIS, which has the same total number of units as FEIS Alternative 2 (88), but a greater number of bedrooms (209, compared to 198 in FEIS Alternative 2), making it the most dense development scenario (See Table I-1). Given this, the DEIS analyses of the potential impacts of the former proposed plan adequately address the two currently proposed alternative development scenarios of the Modified Project, except with respect to potential fiscal impacts (because the 10 Golf Cottages are now proposed to be fee simple units, and not condominiums).

**COMMENT N3:**

*We note that the Town has not adopted the Model Ordinance Provisions with respect to affordable AFFH. We encourage the Town to do so. The Model Ordinance Provisions contain recommended guidelines as to the placement of affordable units within developments. As adopted by other municipalities, these provisions ordinarily require the integration of affordable units within a given development so that they are "indistinguishable in appearance, siting and exterior design." Because a golf course community presents different development challenges than a standard single or multi-family development, in addition to the*

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<sup>1</sup> FEIS Alternative 2 also proposes physical change off-site with respect to the AFFH units, but the potential environmental impacts of those units will be, or in the case of already approved or existing units, previously will have been, subject to separate SEQRA review.



*different legal structures for condominium and rental ownership, it is understandable that it may not be feasible to fully integrate the affordable AFFH units into the development. We recommend that the final EIS include a discussion of this aspect.*

*(Letter #9, Edward Burroughs, AICP, Westchester County Board, 8/6/13)*

**RESPONSE N3:**

Comment noted. See Response N1. In May 2014 the Town of North Castle adopted a local law establishing regulations for Affordable Affirmatively Furthering Fair Housing (“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 would comply with the new Town regulations, which in turn require compliance with applicable Westchester County guidelines, protocols, and requirements. If FEIS Alternative 1 is pursued, the AFFH rental units would be constructed on the Site and integrated into the Modified Project. If FEIS Alternative 1 is pursued, the AFFH rental units would be constructed on the Site and integrated into the Modified Project. The proposed AFFH units will comply with all Westchester County requirements.

**COMMENT N4:**

*The Brynwood application has an affordable housing component, but to date the Town of North Castle does not have in place a model affordable housing zoning board mix [ordinance]. How can you give this application serious consideration when there is absolutely nothing in the Town zoning code that addresses affordable housing?*

*(Barbara DiGiacinto, Public Hearing 7/10/13, page 87)*

**RESPONSE N4:**

See response N3.

**COMMENT N5:**

*One significant issue that is poorly addressed in the DEIS is affordable housing. It should be obvious that locating MIU's on the Brynwood property is a poor choice because renters of those units would not have access to the club or the golf course and would be at considerable distance from any shops, parks, restaurants or public transportation. A much better solution would be to build MIU's (and/or fair and affordable housing as required by the Westchester settlement) at a location such as the old lumber yard in concert with other developments, such as the Cider Mill, that have similar requirements to build affordable housing. Allowing*



*the Cider Mill to be developed without actually building MIU's was a mistake. Brynwood's development should not repeat that mistake.*

*(Letter #2, John J. Klem, 6/28/13)*

**RESPONSE N5:**

Comment noted.



## O. Hazardous Materials

### COMMENT O1:

*The applicant has a current Spill Prevention and Containment Protocol (SPCC) in place as per NYSDEC Regulations. The list of existing bulk petroleum storage facilities provided in the DEIS should match those noted in the SPCC.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE O1:

The accurate list of existing bulk petroleum storage facilities is provided on Table G-2 of the USEPA Spill Prevention and Containment Protocol (SPCC), updated in March 2015, which is included in Appendix X of this FEIS. It is noted that the SPCC will be revisited and updated again upon completion of the golf course renovations. See also Response G6.

### COMMENT O2:

*The applicant proposes the relocation of an existing green waste debris pile elsewhere on-site. As part of the relocation, soil testing is proposed to be performed during construction to determine the need for any remediation or special handling. We would recommend that this testing be performed at this time and the findings provided in the FEIS.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

### RESPONSE O2:

The green waste debris pile is comprised primarily of grass clippings and vegetative debris from storm clean up. On September 12, 2013, the Applicant's consultant, Carlin-Simpson & Associates, collected 6 shallow grab samples of soil and mulch from different locations within the green waste debris pile. The samples were submitted for laboratory analytical testing for pesticides, arsenic, and lead and the results were compared to NYSDEC objectives. Pesticides were not detected in any of the samples obtained. The presence of arsenic and lead was detected, but all concentrations were well below NYSDEC objectives. It is noted that many heavy metals, including arsenic and lead, occur naturally in soils and that the very low concentrations of arsenic and lead are likely the naturally occurring background levels at the Site. See Appendices T (Soil test data) and U ("green debris" pile letter) for additional information.



**COMMENT 03:**

*Any proposed petroleum bulk storage tanks to serve this development may require approval from this Department in accordance with Article XXV of the Westchester County Sanitary Code.*

*(Letter #5, Natasha Court, PE, Westchester County Department of Health, letter dated 7/16/13)*

**RESPONSE 03:**

Comment noted. The Applicant would be required to comply with Article XXV of the Westchester County Sanitary Code.



## P. Construction

### COMMENT P1:

*The DEIS discusses potential rock crushing on the site. The Applicant should include a plan indicating where rock crushing would occur, duration of rock crushing activities, identification of the type of equipment proposed to be used and the hours of operation. In addition, the Applicant should discuss any noise and/or air quality (dust) impacts associated with the rock crushing operation and propose mitigation measures if any impacts are anticipated.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*In addition to permitted hours of operation, the discussion regarding rock crushing activities should be expanded to include expected overall durations. This information should be presented for each phase of construction based upon anticipated volumes of rock to be processed.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**Construction - Rock Removal**    *Any rock crushing would occur between the hours of 7:30 am to 7:00 pm. It is expected that this activity would be carefully monitored and controlled.*

*The location of any on-site rock crushing/hammering should be identified and the hours of operation agree with North Castle Codes.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

### RESPONSE P1:

Rock excavation would be expected primarily in connection with excavation for the three proposed “Golf Residence” buildings at the northern end of the residential development. The Applicant’s contractor would obtain all necessary permits and adhere to all requirements of agencies having jurisdiction over the rock crushing operation. Portable rock crushing equipment used in Westchester County is subject to permitting by the Westchester County Department of Health (WCDOH). The rock crushing equipment must maintain a valid and current permit in accordance with requirements set forth in Chapter 873, Article XIII, Sections 873.1303.1 and 873.1306.1 of the Westchester County Code. In addition to County inspection of the equipment, these regulations require mitigation measures to control the potential for fugitive particulate emissions (stone dust). Dust emissions are controlled by equipment that sprays small quantities of water on the rock material as it is crushed.

Rock removal is anticipated in phases 2 and 3 of construction of the residential portion of the Modified Project. As shown on Exhibit II.P-1 (Potential Rock Crushing Area), the probable location for placement of the portable rock crushing equipment would be within the “footprint” of the most northerly Golf Residence



building. This location complies with the 100 foot setback from all property lines as required by the WCDOH. More specifically, the potential rock crushing location is approximately 1,640 feet from the Coman Hill Elementary School property.

The estimated quantity of rock removal is based on the “Report on Subsurface Soil and Foundation Investigation” for the Modified Project prepared by Carlin, Simpson & Associates, revision dated 10/16/2013 (Appendix T). Table 1 “Summary of Boring and Test Pit Data” from the report lists the depth to bedrock in the vicinity of the rock removal areas (TP-1, TP-2, TP-3, B-9 & B-11). The amount of rock to be removed in phase 2 of construction is approximately 4,000 cubic yards. The rock removed in phase 2 is expected to be placed in fill areas as part of the phase 2 golf course improvements. The amount of rock to be removed in phase 3 of construction is also estimated to be approximately 4,000 cubic yards. This material will either be temporarily stockpiled and processed by an on-site rock crusher, with the product placed as roadway, sidewalk and tennis court base, or trucked off-site. Typical rock crusher equipment can process approximately 50 cubic yards per hour. Thus, if rock is crushed on-site, the operation would have a duration of 80 hours over a 2 to 3 week period.

Hours of construction activity (including rock crushing) are regulated by the Town Code Chapter 137 (Noise), Article IV (Sound Levels by Receiving Land Use), Section 137-19 (Construction Activities). In accordance with Section 137-19(C), on-site rock removal and crushing activities would be limited to between the hours of 7:30 AM to 7:00 PM weekdays, and 8:00 AM to 5:00 PM on Saturdays. No construction activities shall be permitted on Sundays or any other holiday listed in Section 137-19(D).

Noise generated by on-site rock crushing is regulated by the Town Code Section 137-19(A). In accordance with Section 137-19(A), in residential zoned districts, during the hours of 8:00 AM to 6:00 PM or sundown, whichever is later, noise levels from a construction site shall not exceed 70 dbA when measured at a distance of 400 feet from the construction site. (See DEIS Chapter III.P, Noise.)

#### **COMMENT P2:**

*The Erosion & Sediment Control Management Program described as part of the mitigation includes the requirement for a pre-construction site assessment by a qualified professional on behalf of the applicant. Additional requirements should include periodic inspections by Town personnel and the need for a pre-construction meeting with the Town, owner and contractor(s).*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*



**RESPONSE P2:**

Comment noted. As part of the construction phases of the Project, periodic inspections by Town personnel, as well as pre-construction meetings with the Town, owner and contractor(s) would be a condition of approval.

**COMMENT P3:**

*Water Quality and Safety – We also have ongoing concerns over water quality particularly if the course redesign involves explosives and construction. We are concerned that the machinery, equipment fuel and ground digging could cause ecological and environmental damage to the land and natural underground water.*

*Please understand that we are unsure as to the affects that any large-scale construction abutting our property may have but we are worried and are asking for your help. Our concerns do not involve traffic patterns, taxes, or additional school children. We do understand those concerns of our neighbors, but our concerns are directly related to the quality of our well water and damages that could happen from construction. We feel a bit like David and Goliath and we must mention that we have been Brynwood members since its inception in 2010. We have genuine concerns and just want to protect our lives, home and family's future here.*

*(Letter #3, David and Liz Freund, 7/7/13)*

**RESPONSE P3:**

Comment noted. See Response P2. The construction, and operation, of the Project would not pose any significant risk to neighboring wells if the construction “best management practices” discussed in the DEIS are implemented.

**COMMENT P4:**

*Project phasing has appropriately been proposed as a mitigation effort for disturbances to steep slopes. The applicant should clarify whether they intend to petition the New York State Department of Environmental Conservation (NYSDEC) to extend the disturbance limit in excess of the five acre maximum requirement. Phases provided are as large as 40 acres. The Phasing Plan should be modified to illustrate sub-phases and a discussion regarding the decision included in the FEIS.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*



*The project is divided into three overall construction phases with total disturbances of ±40 acres, ±30 acres and ±3 acres, respectively. As previously commented, the applicant should clarify whether or not a waiver from the NYSDEC limiting disturbance areas to five (5) acres will be sought. The Phasing Plan should be revised to reflect sub-phases.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE P4:**

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. See Response H2.

**COMMENT P5:**

Phasing Plan *The Preliminary Phasing Plan indicates Phase I as a major disturbance to the site. This includes the demolition of buildings/structures and rebuilding/renovation of structures and primarily the northern portion of the golf course. Construction will take place over a period of years.*

*The proposed Club Villas adjacent to Rte. 22 are shown as three separate phases over a period of three years or more. Concerns with Club Villas and other construction activity are years of extended noise in close proximity to existing residences at Windmill Farm and Embassy Court where a buffer is limited and construction noise levels will be high.*

*Prepare a single phasing plan for the proposed Club Villas residential development along Route 22.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

Preliminary Phasing Plan *The plan is shown as preliminary, however a revised plan that would complete all proposed Club Villa building along Rte. 22 as a single phase is appropriate and suggested. (along with a stone wall and vegetative buffer).*

*Provide a revised plan that would complete the proposed stone wall, landscaping and adjacent buildings in Phase 1 with the goal to reduce noise over a long term construction period and the resultant disruption of existing residents across the street in Windmill Farm.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*



**RESPONSE P5:**

The Applicant would be required to provide all Bedford Road landscaping/perimeter buffers in Phase 1. In addition, the Modified Project includes a larger (100 foot) buffer around the Site perimeter, including along Bedford Road. It is noted that the Club Villas in the DEIS Proposed Action have been replaced by five Golf Cottages in the Modified Plan. This does not change the proposed phasing or landscape plans for this area. See Exhibits I-7 through I-12 for Landscape Concept Plans and Responses J3 and J5.

**COMMENT P6:**

*Reference to pond dredging operations discussed in Section H of the DEIS should be included in the sequence of construction.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE P6:**

Although pond dredging is discussed in the DEIS, a final determination as to whether pond dredging would occur has not yet been made. If dredging is to occur, the type/technique of dredging will be determined as part of the Site Plan Approval process.

**COMMENT P7:**

*The DEIS is contradictory as it relates to temporary parking facilities during construction. The DEIS states that workers would use existing parking areas on the site, which would accommodate club employees and members as well. The DEIS continues to state that construction workers will be confined to gravel surface areas within the staging areas. Of particular concern is the proposed Phase I staging area located within the existing parking lot. The FEIS should describe the uses within this staging area and provide support demonstrating that adequate parking for club employees and members will be maintained. Otherwise, alternative staging and construction worker parking areas shall be provided and shown on the plan.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE P7:**

Two areas for temporary staging/construction parking areas have been depicted on Exhibit II.P-2, Construction Phasing/Parking Plan. During the phase 1 construction, the staging and construction related parking will be located within the existing main parking lot adjacent to the clubhouse. At the completion of



phase 1 it is anticipated that the existing parking lot will be renovated and used for parking for club employees, members and club functions. During the phase 2 and 3 construction, staging and construction related parking will be located within the existing tennis court area at the north end of the Site. This phasing is intended to accommodate the construction of the residential component of the Modified Project in a generally south to north direction.

**COMMENT P8:**

*As proposed, the project will require disturbance to approximately 73 acres of land and demolition of existing buildings or portions thereof. Given the size of the disturbance and proximity to the surrounding neighborhoods and Coman Hill Elementary School, a Community Air Monitoring Program (CAMP) may be warranted. The CAMP would monitor potential air quality impacts resulting from construction vehicle and machinery emissions and fugitive dust caused by earthwork, rock removal and rock crushing operations.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE P8:**

A Community Air Monitoring Program (CAMP) is not anticipated to be required since the Site is not a contaminated or hazardous waste site. To mitigate potential impacts of fugitive dust during construction, the Applicant would be required to:

1. Apply water on the haul road(s)
2. Wet equipment and excavation faces
3. Spray water on buckets during excavation and dumping
4. Haul materials in properly tarped or watertight containers
5. Restrict vehicle speeds to 10 mph
6. Cover excavated areas and material after excavation activity ceases.

According to NYSDEC DER-10/Technical Guidance for Site Investigation and Remediation, experience has shown that the chance of exceeding the 150 ug/m<sup>3</sup> action level is remote when the above-mentioned techniques are used. See also Response P1 regarding rock crushing.

**COMMENT P9:**

*The other issue concerns the kids at Coman Hills. There was a line that was in the DEIS which says the noise and fugitive dust was not anticipated to be significant. I'd like the definition of the word significant.*

*(Ed Woodyard, Public Hearing 7/10/13, page 20)*



**RESPONSE P9:**

NYSDEC provides technical guidance to help assess significance of fugitive dust. With the implementation of the mitigation measures described in Response P8, fugitive dust would not be anticipated to exceed the 150 ug/ m<sup>3</sup> action level identified in NYSDEC DER-10/Technical Guidance for Site Investigation and Remediation, and would therefore not present a significant impact based on those guidelines.

As explained above, dust and noise would be regulated by the WCDOH and the Town to ensure the safety and well-being of adjacent neighboring properties, which includes the Coman Hill Elementary School. In order for rock crushing equipment to obtain a permit from the WCDOH, it must meet certain minimum criteria. Opacity testing certifying particulate matter emissions would be performed in accordance with U.S. EPA Method 9, "Visual Determination of the Opacity of Emissions from Stationary Sources."

See also Response P1 regarding rock crushing.

**COMMENT P10:**

*The DEIS ignores traffic issues during the construction period. Given the poor conditions already on Rte 22, adding a significant number of heavy construction and earthmoving equipment, along with the traffic from construction workers will make conditions much worse.*

*(Letters #7 and 11, Earle Yaffa, 7/10/13 and 8/13/13)*

*There is no discussion on the problems during the construction period. I think we've got a three year construction period. We've got some heavy equipment that will be moving into town. Maybe they have an alternative to deal with that. I didn't see it in the DEIS and I think it really will exacerbate the traffic on Route 22.*

*(Earle Yaffa, Public Hearing 7/10/13, pages 27-28)*

**RESPONSE P10:**

Comments noted. Section III.R of the DEIS discusses construction management including phasing, hours of operation and truck routes. As noted in that section, most of the construction equipment would remain on-site for the duration of all three phases of construction, thus minimizing moving of equipment to and from the Site to the maximum extent practicable.



**COMMENT P11:**

*The applicant has proposed making improvements to the golf course, the clubhouse, as well as numerous other infrastructure upgrades (page II-10). However, no line item budget is provided and no total investment is mentioned. How can we be confident that any improvements will be made unless there is an approved line-item budget? The applicant should provide its construction budget for all alleged improvements.*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE P11:**

Comment noted. SEQRA requires analysis of potential significant adverse environmental impacts and measures to mitigate those impacts. Nothing in SEQRA permits the Town Board to require a property owner/applicant to provide a line item budget for construction of a facility in which the Town will have no ownership interest on land not owned by the Town, and for which the Town is not providing any funding, grant or subsidy. Section 213-34 of the Town Zoning Ordinance expressly provides that:

*“No building permit shall be issued, and no structure or use shall be established or changed..., except in conformity with a site development plan approved and endorsed by the Planning Board with its date of approval, and no certificate of occupancy for such structure or use shall be issued until all the requirements of such site plan and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions.”*

The Applicant would therefore be required to make any approved improvements to Club facilities to the same extent as any other recipient of site plan approval from the Planning Board, subject to the same types of enforcement by the Town.

**COMMENT P12:**

*As suggested in comment 16, the applicant should be required to present a line item investment summary indicating what it proposes to spend on improvements. Once the Town is satisfied that promised improvements are reasonably budgeted, there must be a system for insuring that the promised investment is actually made and that the work is properly done. What mechanism is proposed to be sure that these substantial improvements are done? This is a critical component of the applicants promise. If the applicant should sell the property to another developer once it obtains approvals (which is always a possibility), there should be specific provisions contained in the town approvals that will require the current owner, or a*



*subsequent owner, to follow through and complete the promised improvements. What is the plan, if any, to provide this protection?*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE P12:**

See Response P11.

**COMMENT P13:**

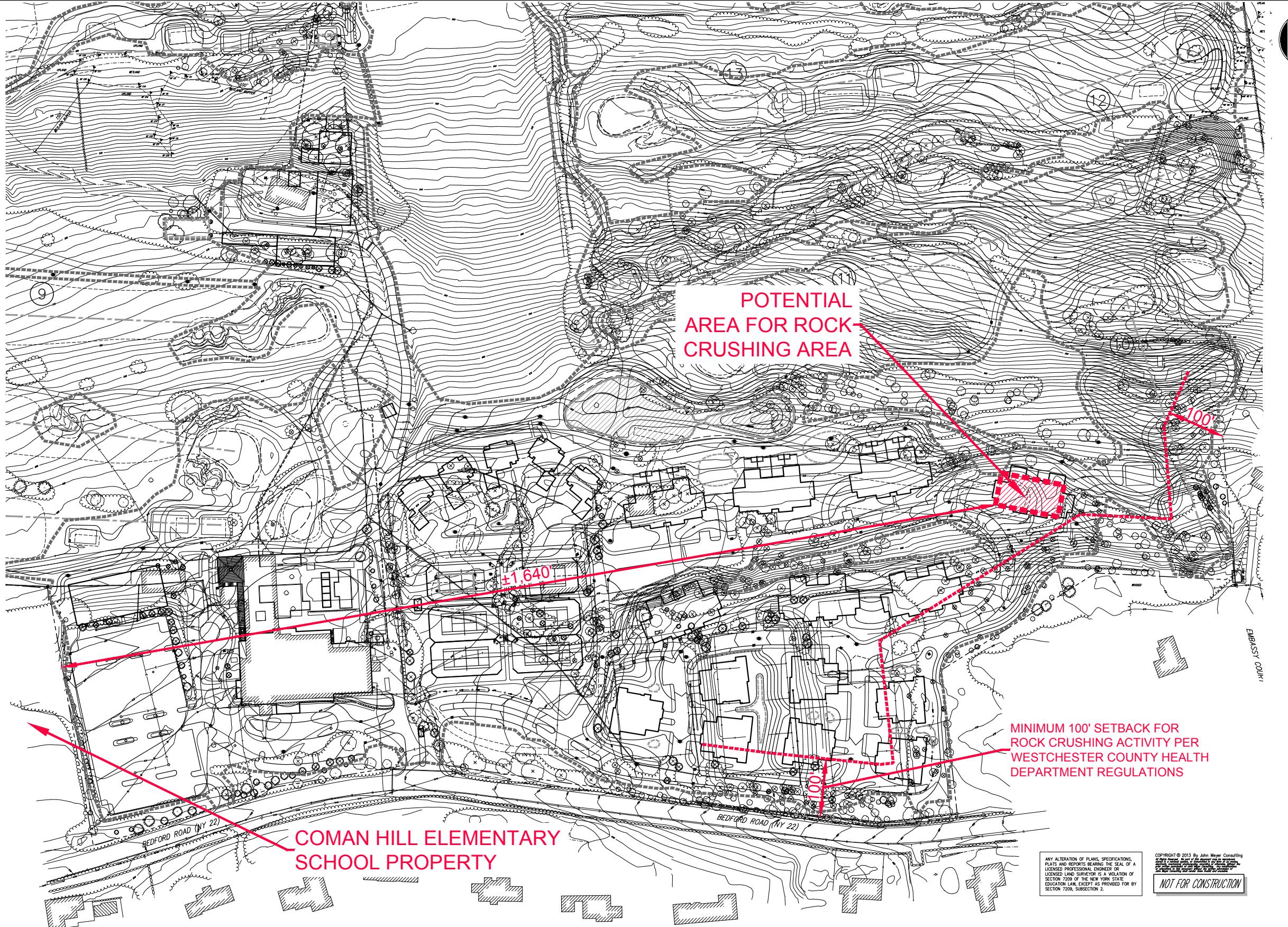
*The noise study evaluated potential sensitive locations (receptors) in the vicinity of the project. We agree with the applicant's conclusion that noise associated with I-684 would be the dominant noise source to houses west of I-684 both during and after construction. We would recommend, however, that the residential uses south and southwest of the project site be included in the analysis, particularly for noise generation during construction of the project.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE P13:**

Comment noted. The residential uses to the south and southwest would not be expected to be significantly impacted by construction noise, given the distance from the noise source. Noise is addressed in Chapter III.P of the DEIS.





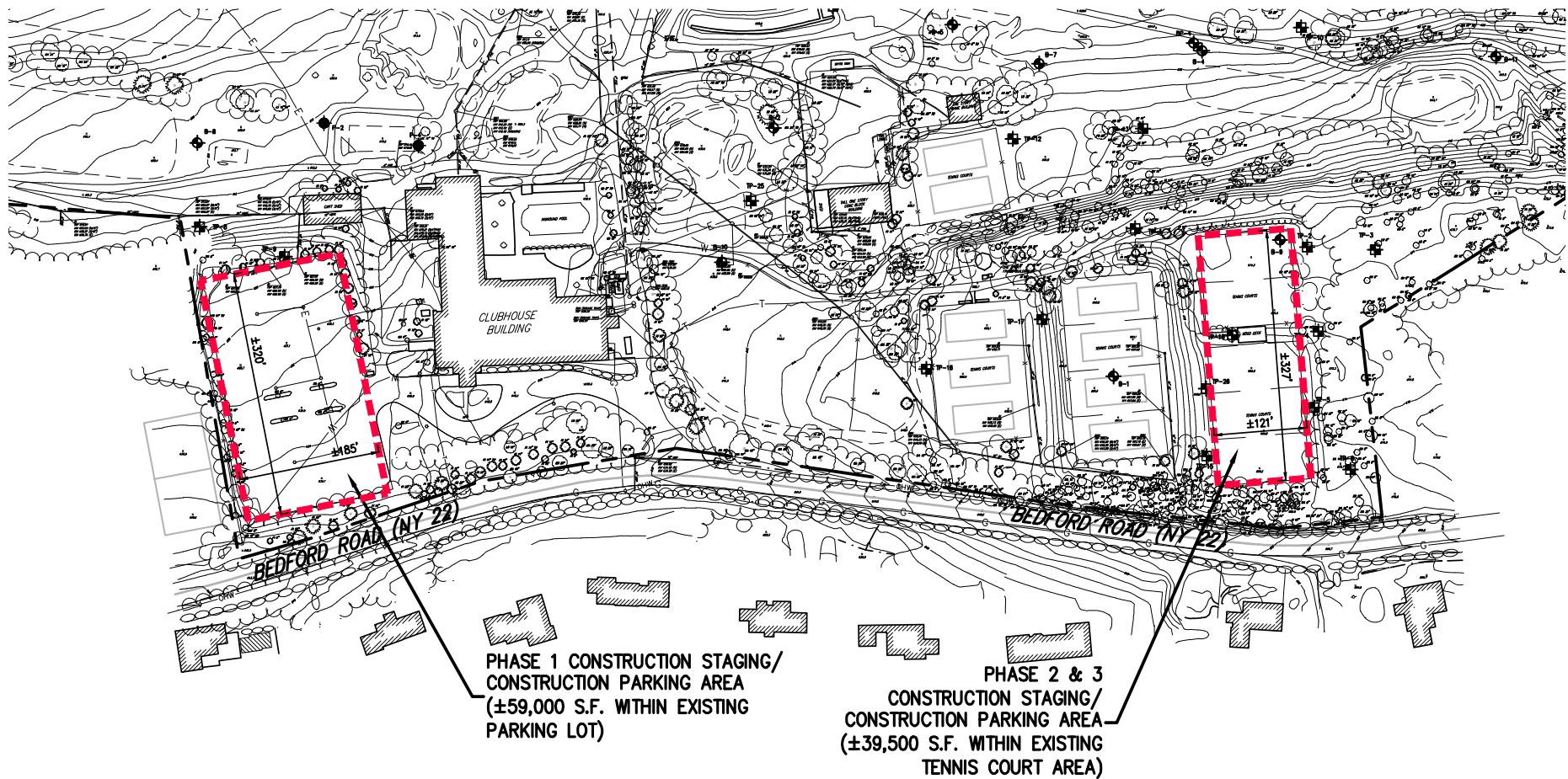
Source: John Meyer Consulting, PC

**BRYNWOOD**  
North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, P.C.

Potential Rock Crushing Area

Exhibit  
II.P-1



**Source** John Meyer Consulting

**BRYNWOOD**  
North Castle, New York

## Construction Staging/Parking Plan

Exhibit  
**II.P-2**

## Q. Alternatives

### COMMENT Q1:

*If you are concerned about the environment, this is far better than demolishing the property, cutting down trees and paving a grid of new roads to create a subdivision.*

*(Alan Cohen, Public Hearing 7/10/13, page 48)*

### RESPONSE Q1:

Comment noted. Alternative subdivision layouts and related impacts are discussed in DEIS Chapter IV, pages IV-2 through IV-9. A conventional single family subdivision would utilize the entire Site, dividing the 156 acres into privately owned lots and public roads, with no common open space, and the golf course would be removed permanently. The Applicant has stated that a conventional subdivision would not meet its principal objectives. However, the Applicant has indicated that it will apply for approval of a 49-lot subdivision if the Modified Project is not approved by the Town.

### COMMENT Q2:

*The DEIS states that any type of fee simple proposal will result in the abandonment of the Proposed Action and the construction of a single-family, zoning compliant subdivision. However, it is noted that pursuant to the Town Code, the Planning Board can compel the submission of a conservation subdivision layout. This could result in a plan that preserves the golf course (or open space) and allows for the construction of attached townhomes (with Town Board approval). This Town Code provision should be addressed.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*One thing is just to clarify about the 49 home building plan, my understanding is the Town laws or rules do allow the Town to force clustering on a smaller part of the property, essentially you would be allowed to build your as of right number, whether it's 49, 45 and you could be forced to build on a smaller parcel of land. You might be told you can build them and each be one acre or three quarters of an acre. I think that needs to be studied. If the Town can force that sort of clustering, it would be better designed than 49 two acre homes over the entire property.*

*(Pete Coviello, Public Hearing 7/10/13, pages 122-123)*



*There are other alternatives and the town, the planning board and others have the authority to make them put in less than 49 homes and to build a more reasonable development than what we are being led to believe is the alternative tonight.*

*(Amy Zipper, Public Hearing 6/27/13, pages 59-60)*

**RESPONSE Q2:**

Comments noted. The DEIS scoping document (located in DEIS Appendix A) identifies the alternatives the Town Board required the Applicant to study in the DEIS. The Applicant has stated that none of the alternatives (all described in DEIS Chapter IV), would meet its primary objectives.

The Site is zoned R-2A District, and could theoretically yield up to about 70 two-acre lots (156 acres minus 10% for roads/2 acres per lot). However, application of other requirements and regulations would reduce the yield to 49 conforming lots.

Under the Town of North Castle's conservation subdivision regulations, the Planning Board may require clustering of lots based on the conventional subdivision lot count, as well as conformance with "all normally applicable requirements of [the Town] Town Zoning Ordinance, the [Town] Land Subdivision Regulations, the Westchester County Health Department Regulations and all other applicable requirements," including certain area and dimensional standards (e.g. minimum lot area is 1 acre or 1/2 the minimum lot size required in the zoning district, whichever is less, unless authorized by the Town Board). Alternative 3 in the DEIS (see DEIS Chapter IV.C) provides an analysis of two different versions of a 49-lot conservation subdivision (clustered single-family detached homes): one plan shows one-acre lots and is fully compliant with the existing Town law, the other plan shows one-half acre lots, and would need Town Board authorization for that minimum lot area.

Although the Planning Board could require a conservation subdivision, and could, in connection with that subdivision, require the resulting open space to be permanently preserved, and allow the Applicant to use up to 5% of the total area of the Site for active recreation, neither the Planning Board nor the Town Board could require the Applicant to continue to operate a golf course on the open space area.

The Applicant has now agreed that the ten (10) proposed Golf Cottages would be fee simple homes, thereby paying the same taxes as single-family homes in North Castle. Under New York State law, condominiums are taxed as though they are rental units. This typically results in approximately 50% less taxes generated than if the same units were owned in fee simple. The Applicant has determined that the type of attached residential product that could be owned in fee simple – i.e., attached townhomes in a homeowner's association, each homeowner having ownership of the ground below the unit - would not be desirable or marketable to the targeted homebuyers.

The Applicant acknowledges the potential inequity that results from the disparity between condominium and fee simple taxation under State law, but has no power to change the law. Nevertheless, because the condominiums are likely over time to require some of the same types of municipal services as any other



homes in the Town, and because the Applicant proposes to develop attached condominium residences as opposed to fee simple townhomes to meet its own business goals and objectives, rather than any Town objective, the Applicant has agreed, for itself and the condominium association that will be its successor, to address the taxation disparity and mitigate any adverse fiscal impacts on the Town and the Byram Hills School District by making annual payments to the Town and School District equal to the difference between the amount paid as condominiums and the amount that would have been paid if the same units were owned and taxed as fee simple residences.

**COMMENT Q3:**

*Under Alternative 5 (60 unit option), the Applicant should consider relocating the Club Villas (V-6 and V-7) located at the northeast corner of the site (closest to the property line) to the north of Club Villas V-8 and V-9 in order to provide additional open space buffer between the proposed development and properties located to the north and east of the project site.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

**RESPONSE Q3:**

As shown on Exhibit II.Q-1, the two Club Villa structures (4 units shown in the DEIS alternative) have been relocated away from the northern property line, and moved on to the slope to the west.

However, the Modified Project replaces the Club Villas with smaller Golf Cottages and introduces a 100 foot wide buffer area that increases open space along the northerly and easterly property lines which accomplishes the same objective. See Exhibits I-4 through I-12.

**COMMENT Q4:**

*Under the proposed action as well as under Alternative 5, the Applicant should explore options for eliminating the proposed access road that runs parallel to Bedford Road, as well as the large loop road that connects the Club Villas to the Golf Residences. Cul-de-sacs could be added to ensure adequate access for emergency vehicles. By eliminating a portion of the roadway, the proposed amount of impervious surfaces on-site would be decreased and additional open space buffer could be provided along Bedford Road and the northern property line.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*The internal road network for the proposed residential development appears excessive. It seems that minor plan modifications could be made to the unit and/or road layout that would eliminate the need for two looped*



*roads possibly eliminating a large portion of the road along NYS Route 22, thereby providing additional green space. Similar plan modifications could be made to the proposed alternatives, specifically the cluster subdivision (Alternative 4) and reduced density alternatives (Alternative 5).*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE Q4:**

The internal access road parallel to Bedford Road has been eliminated, as shown in Exhibit II.Q-2 of this FEIS. However, it is noted that the Fire Department requested loop roads around the residential buildings. See Comment M5.

The larger loop road connecting the Club Villas to the Golf Residences could also be eliminated as shown in Exhibit II.Q-3 of this FEIS. However, this would result in the creation of a dead end street, contrary to the request of the Fire Department. The cul de sac would require grading into the steep slope, as would the connector loop.

**COMMENT Q5:**

Overall Site Grading    *Overall site grading is shown on Exhibit II-16A where much of the site grading is located in the northerly steep sloped area of the course and contiguous to residences on Embassy Court.*

*Provide an alternative plan for golf course improvements that avoids site clearing and disturbance in this steep-sloped area adjacent to existing residences.*

*(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE Q5:**

FEIS Exhibit II.Q-4 shows the tees on Hole #10 shifted further south, away from the northern property line, so as to reduce clearing directly adjacent to the home on Embassy Court which is closest to the property line. Avoidance of the small amount of clearing on steep slopes is not considered necessary. As described in the DEIS, impacts to steep slopes would be temporary (during construction), and would be mitigated by proper erosion control and construction techniques, and the disturbed areas would be stabilized immediately after grading is complete.

**COMMENT Q6:**

*I would advise you to contact the town board and tell them that you support this project because no one is thinking about what the alternative is. The developer has the right to build 50 houses; that is the zoning.*



*That is a tremendous amount of burden on services, the fire department, the police department and every other service you can possibly imagine. We need to really wake up and try to preserve this open space for what it is.*

*(Frank Benish, Public Hearing 6/27/13, pages 57-58)*

*You've negotiated already with the developer. They started at 220 plus units. They're down to 88, eight of which are designated for low income housing or moderate income housing. I suspect the developer is probably at or very close to the tipping point where he will give up pursuing this transaction and opt for the 49 home option. As a citizen, I would be very unhappy with that result because it will be a net negative to the schools, a net negative to the community, because they would lose their open space. You have to make that decision. I think it's a choice of two things, the 49 homes or this development pretty much how it is currently presented.*

*(Dan Davis, Public Hearing 7/10/13, page 56)*

#### **RESPONSE Q6:**

Comments noted. See also Response Q1. As described in the DEIS, the original application was for a much larger project (a 243-unit golf course community), but the Applicant subsequently withdrew that application. After consideration of public comments, the Applicant re-submitted a petition for 98 residential units in August 2012, and in September, 2012, further reduced the number of proposed residences to 88. The Modified Project is also proposed to have either 80 residential units (63 market rate condominiums, 10 market rate Golf Cottages, and 7 affordable AFFH rental units on-site) or 88 residential units (70 market rate condominiums, 10 market rate Golf Cottages, and 8 affordable AFFH rental and/or for sale units off-site).

The DEIS describes a 49 lot conventional subdivision under existing R-2A zoning (Alternative 2: Existing R-2A Zoning – Conventional Subdivision). The 49 lot conventional subdivision would have greater impacts on police and fire services, Town recreation facilities, and on the Byram Hills School District than the Modified Project and the other alternatives. It is anticipated that the 49 lot subdivision would result in a population of over 200 persons, including 51 school age children.

The homes in a single family subdivision would not necessarily be sprinklered (as opposed to the proposed residences which would be sprinklered). Without the Club, there could be less need for police services. However, since the 9,500 linear feet of roadway in the conventional subdivision would be designed to Town standards, it is assumed that the roads would be offered for dedication and accepted by the Town as public roads, which would result in additional Town costs for road maintenance, snow plowing and solid waste collection.

The Applicant has consistently advised the Town that this alternative does not meet its goals and objectives.



**COMMENT Q7:**

*Has Town Engineer John Kellard (or other engineering consultant) reviewed the 49 home, 2-acre subdivision plan to verify that the 49 lots can, in fact, be legally created? It appears that a few of the lots may be impossible to build on because of steep slopes, wetlands, and normal setbacks – plus the need for sufficient septic system area with the required setbacks for wells. Since the as-of-right number is the basis for all comparisons, the accuracy of the subdivision plan prepared by the applicant should be carefully reviewed and confirmed as accurate, in writing, by a qualified land use engineer.*

*(Letter #18, Robert Greene, 8/20/13)*

*The proposed site plan for a 49 home, one-acre, conservation subdivision should be reviewed by an experienced land use engineer. As presented, the plan simply uses the same road system as provided in the 49 home, two-acre, conventional subdivision – with lot sizes made somewhat smaller. The reason for imposing a conservation subdivision is to preserve as much open space as possible. The plan presented in the DEIS is too spread out and the lots are unnecessarily large. Out of 157 acres, the resulting preserved open space is only 59.5 acres. The applicant should be required to revise its conservation subdivision plan to reduce the overall size of the developed area by reducing the amount of roadway and by making the large lots closer in size to meet the one-acre requirement.*

*(Letter #18, Robert Greene, 8/20/13)*

*The as-of-right number put forth is 49 units, but there is no supporting information for that whatsoever, either from the developer's consultants or the town's consultants. We need to see that number because so much of their analysis is compared to that as-of-right number, whether on two-acre zoning or the same number of cluster homes on smaller acreage. It is important to know that the 49 number is correct. I think that should be laid out in DEIS. I am not specifically questioning the number, but we need to be comfortable with that.*

*(Stuart Kovensky, Public Hearing 6/27/13, page 24)*

**RESPONSE Q7:**

The 49 lot conventional subdivision layout conforms to all of the lot, density and dimensional requirements of the R-2A District. Compliance is demonstrated on DEIS Exhibit IV-1. This layout was reviewed by the Town Engineer, as requested by the Town, prior to acceptance of the DEIS.

**COMMENT Q8:**

*I don't think it is fair that other people, for no reason, should pay less than their fair share. There is an alternative to this. The alternative is not anything but townhouses, just as nice, just as beautiful, just as easy*



*for empty nesters around the world to live in. There is no reason why we can't have townhouses that pay their fair share of the taxes.*

*(Amy Zipper, Public Hearing 6/27/13, pages 60-61)*

**RESPONSE Q8:**

The DEIS contains a 69 unit attached, fee-simple two-story townhome alternative (Alternative 4: Cluster Subdivision/ 69 Attached Townhomes). The townhomes would generally be larger than the proposed condominium flats. The Applicant's opinion is that the multi-story townhomes in this alternative would not appeal to the target "empty nester" market because of less desirable layouts with stairs, and garages in front at the streetscape.

As described in Section I, Introduction, the Modified Project includes 10 detached, fee simple units (Golf Cottages) and 63 condominium units. Since the ten proposed Golf Cottages would be fee simple homes, they would pay the same taxes as single-family homes in North Castle. Because the condominiums are likely over time to require some of the same types of municipal services as any other homes in the Town, and because the Applicant proposes to develop attached condominium residences as opposed to fee simple townhomes to meet its own business goals and objectives, rather than any Town objective, the Applicant has agreed, for itself and the condominium association that will be its successor, to address the taxation disparity and mitigate any adverse fiscal impacts on the Town and the Byram Hills School District by making annual payments to the Town and School District equal to the difference between the amount paid as condominiums and the amount that would have been paid if the same units were owned and taxed as fee simple.

The proposed fee simple Golf Cottages are multi-story, but are still designed to appeal to the empty nester, with master bedroom suites on the ground floor, unlike a traditional townhome with all bedrooms upstairs. These units are designed to appeal to the empty nester desiring to remain in a "traditional" detached home, but still be a part of the Brynwood residential community, and able to enjoy all of the community and Club amenities.

**COMMENT Q9:**

*The Brynwood developers should be required to fully analyze another alternative in addition to the five included in the DEIS. The sixth alternative should review all reasonably predictable aspects of an 88 unit condominium development where the units are sold at prices consistent with typical two, three and four bedroom dwellings in North Castle and which has no requirement to pay annual fees related to golf club use and other luxury services and amenities (similar to Whippoorwill Ridge).*

*I believe that this alternative is a very real possibility and that nothing in the DEIS required the developers to improve or maintain the golf course, provide (and charge for) luxury amenities or sell their units with high end*



*finishes and at the relatively high prices they have indicated. How can you make an educated assessment of this proposal if you do not study such a (typical high density) development? Remember, the Brynwood developers have built many developments but, to my knowledge, not a single one that includes a golf course. A similar request for a study of a typical high density development was made at the SEQRA scoping stage. I am deeply concerned that such information has not been included in the DEIS. The developers and their professionals did not specifically respond to such requests, as I believe is required by SEQRA. In my opinion, you should not have adopted the Scope Document without them at a minimum stating why they did not include a study of a typical high density development. Please require the inclusion of this alternative now.*

(Letter #13, Peter Coviello, 8/19/13)

*I think one of the things that is really missing from the DEIS is the study of what seems to be a likely scenario which would be a high density development but one that, despite the stated intentions of the developers, doesn't have a state of the art golf course and white glove service and is more similar to perhaps like a Whippoorwill Hills or Whippoorwill Ridge or something like that. I don't see anything in their filings that wouldn't allow them to do just that.*

*I don't see a requirement for them to age restrict or I don't see a requirement for them to maintain the golf course or leave it open or charge annual fees for people who live in these homes.*

(Pete Coviello, Public Hearing 7/10/13, pages 7-8)

#### **RESPONSE Q9:**

Comment noted. The revised, proposed amendments to the Zoning Ordinance would create a new overlay zoning district that could be mapped by the Town Board in the R-2A District. Permitted uses in the overlay district would be all uses permitted in the R-2A District, and the “golf course community” proposed here. Under the proposed regulations, a golf course community would only be permitted in affiliation with a membership club – with 18 hole golf course - existing on the date of adoption of the law creating the overlay district. The regulations would require the owners of all residences in a golf course community to be members of the affiliated club. The regulations would also require the recordation of a conservation easement that would permit the future use of the golf course only as either a golf course or open space, regardless of whether the affiliated residential community continues to exist (See FEIS Appendix R for the revised amendments to the Zoning Ordinance, and Appendix S for the form of conservation easement).

Presumably, the rationale for age restriction is to mitigate potential financial impacts on the Byram Hill School District from condominium taxation, given that age restricted units would be expected to generate fewer schoolchildren. In the Applicant’s opinion, there is no longer any basis for age-restriction, because the Applicant has agreed, for itself and the condominium association that will be its successor, to mitigate any potential adverse fiscal impacts on the Byram Hills School District by making annual payments to the School District equal to the difference between the amount paid as condominiums and the amount that would have been paid if the same units were owned and taxed as fee simple.



**COMMENT Q10:**

Potential Impacts Disturbance impacts related to reconstruction of the golf course are stated as 53.3 acres and for the residential component as 20.6 acres, a total land disturbance of 73.9 acres.

A reduction in the Residential Component should also reduce the acres of disturbance required for golf course improvements, however alternatives for residential units show no decrease in golf course disturbance. The disturbance related to the re-routing of golf holes is primarily to accommodate space for housing units.

Provide an alternative reduced Residential Component Plan that will also reduce overall site disturbance of the golf course.

(Letter #19, John Fava, North Castle Conservation Board, 8/20/13)

**RESPONSE Q10:**

Comment noted. The amount of golf course disturbance is based on improvements intended to enhance playability and the golf experience. The improvements are designed to accommodate the proposed residential layout, but reducing residential density would not necessarily yield less disturbance to the golf course.

**COMMENT Q11:**

The estimated property tax payments generated by 49 homes in a conservation subdivision is \$1,225,000. At 2.2% tax rate, this translates to a total market value for all homes of \$55,681,818 – or \$1,136,367 average selling price for each home. A construction cost analysis recently completed by several developers with experience in building this type of subdivision (sent under separate cover) indicates that the cost to build 49 homes, using the plan provided in the DEIS, will be substantially greater than \$1,136,367 each, which would make the proposed plan impractical. Please provide the cost analysis used to support the proposed 49 home subdivision so that we may judge the practicality of such a plan and judge the accuracy of the projected tax revenue.

(Letter #18, Robert Greene, 8/20/13)

Under the “No Action” alternative, the applicant represents that it will demolish the existing facilities and develop 49 homes. (page I-15). A financial analysis, sent under separate cover<sup>1</sup>, indicates that it is not practical to build 49 homes on the Brynwood site due to the expense of providing necessary infrastructure (roads, sewer, water, utilities, drainage, site work, landscaping, etc.). The cost to develop homes in a

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<sup>1</sup> It is noted that the Applicant did not receive “a financial analysis under separate cover” for review.



*conservation subdivision, combined with the reality of today's conservative real estate market values, is likely to make it impossible to build 49 homes, and sell them at a profit.*

*If this is the case, then there is no practical alternative single home development plan to consider. The applicant should provide a financial analysis of its costs and projected sales to support its contention that a single family conservation subdivision is possible. The estimated development cost items should be reviewed by an appropriate Town consultant and should include:*

- *Investment to date (land cost)*
- *Demo 65,000 SF club house, out buildings, 3 pools and parking lot*
- *Engineering, design & construction drawings for 49 lots*
- *Grading, paving and curbs for 9,500 LF of public roads*
- *Water distribution system*
- *Force Main sewer system*
- *Storm water drainage system*
- *Buried utilities and 49 stubs*
- *Fire protection system – 98 hydrants*
- *Site work to create 49 lots*
- *Landscaping for 49 homes*
- *Cost for new well and new main to tie into District 2 water system*
- *Pro rata share of District 2 past and future capital expenditures*
- *Permits and approvals for SPDES, sewer, water and highway*
- *Construction hard costs – 49 homes*
- *Building permit fees @ 1.1% of hard costs*
- *Architecture, engineering & construction drawings – 49 homes*
- *New sewer plant and plant management costs during sell out term*
- *Marketing expense during sell out term*
- *Admin, insurance, legal, accounting during sell out term*
- *On site security*
- *Site lighting, if any*
- *Selling expense, brokerage commissions*
- *NC rec Fees @ \$10,000 / lot*
- *Estimated utility expenses during sell out term*
- *Real estate taxes during sell out term*
- *Interest expense during sell out term*
- *General conditions*
- *Contingency*

*(Letter #18, Robert Greene, 8/20/13)*

#### **RESPONSE Q11:**

Comment noted. SEQRA does not require any particular level of detail for the description and evaluation of an alternative. Given this, the courts have acknowledged that “the degree of detail with which each



alternative must be discussed will, of course, vary with the circumstances of the proposal" (Webster Assoc. v. Webster, 59 N.Y.2d 220, 228).

The Town required the Applicant to evaluate 49 lot conventional and conservation subdivisions, even though the Applicant has consistently maintained that a single-family lot subdivision would not meet its goals and objectives. The estimated values of the homes in the conventional and conservation subdivisions – \$1,500,000 and \$1,250,000, respectively – are based on information provided by Houlihan Lawrence, one of the largest real estate brokerage firms in the region. Although the values are necessarily only rough estimates, the Applicant considers them to be reasonable.

If, in fact: (i) the taxes would be 2.2% of value, rather than 2%; and/or (ii) market values of the homes would need to be higher to provide a reasonable return to the Applicant (given the costs identified by the commenter), then because in either case, the costs to the Town and School District of providing services to the subdivision would not increase, the increased tax revenues could only be fiscally beneficial to the Town and School District, and not a detriment or adverse impact, compared to the more conservative scenarios evaluated in the DEIS. Given this, in the Applicant's opinion, the information requested by the commenter is not needed for the Town Board to perform a meaningful comparison of the potential impacts of the Modified Project and the 49 lot subdivision alternatives.

#### **COMMENT Q12:**

*The applicant has an as-of-right opportunity to build 49 residential units on the same 14 acres that it proposes to use for 88 condos, thereby leaving room for the golf course, club house and the rest of the infrastructure needed to support the golf operation.*

*(Letter #18, Robert Greene, 8/20/13)*

#### **RESPONSE Q12:**

Comment noted. The Applicant has consistently maintained that a 49 townhome development would not meet its goals and objectives. See Responses Q2, Q6, and Q7.

#### **COMMENT Q13:**

*The applicant should explain how the difference between the economic benefits associated with 49 fee simple units vs. 88 condo units will make, or break, its long term financial goals. How will the addition of 39 bonus units make enough of a difference to secure the long range success of the club? This is a critical point of understanding because unless NC taxpayers can be confident that the golf club will survive – they (taxpayers) should not accept the risks associated with bonus units – or the tax discounts for condos.*

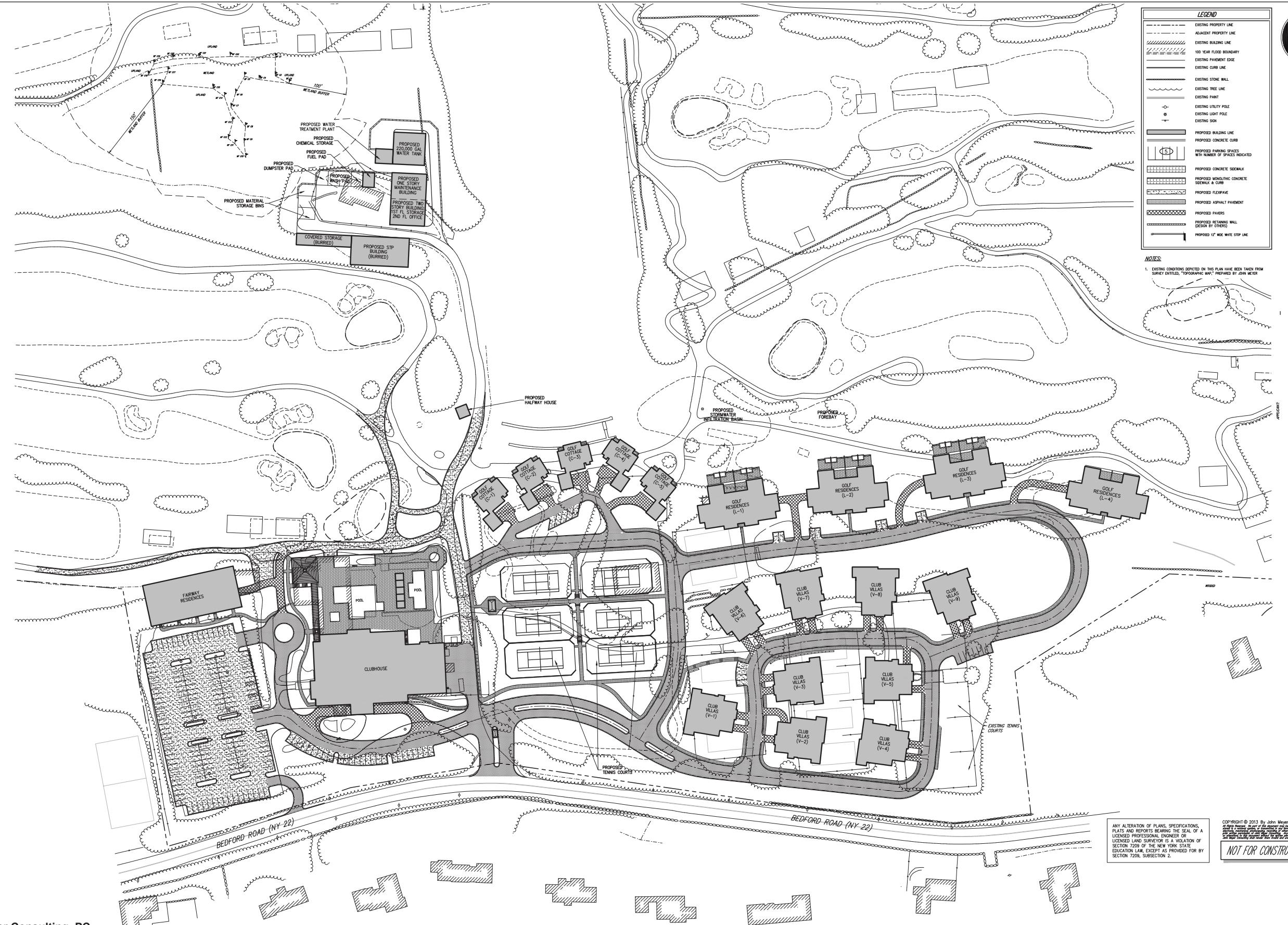


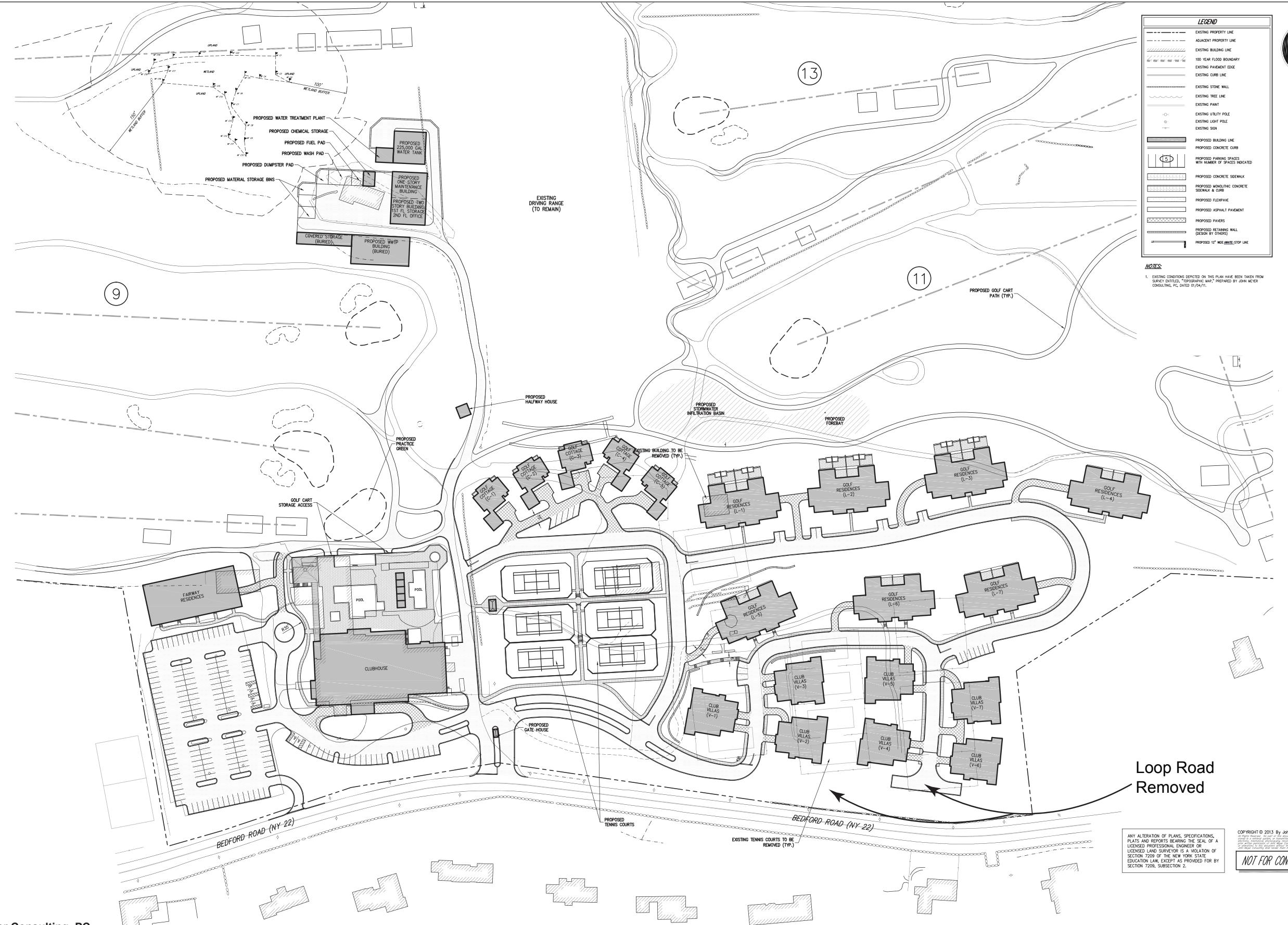
(Letter #18, Robert Greene, 8/20/13)

**RESPONSE Q13:**

The Applicant has advised the Town that based upon the Applicant's internal financial analyses, the project is not feasible with only 49 units, because the anticipated profits from the sale of 49 units would not be sufficient to cover the upfront costs of the renovations to the golf course and clubhouse, and provide a reasonable return on the Applicant's investment. The Applicant has also indicated that the profits from the sale of the additional units, together with the additional Club initiation fees that would be generated from those units, would fund a significant portion (but not all) of the cost of upfront renovations to the golf course and clubhouse, and provide a reasonable return on investment. The Club dues and condominium common charges from the additional units would also provide additional financial support for the continuing operations of the Club and condominium association.





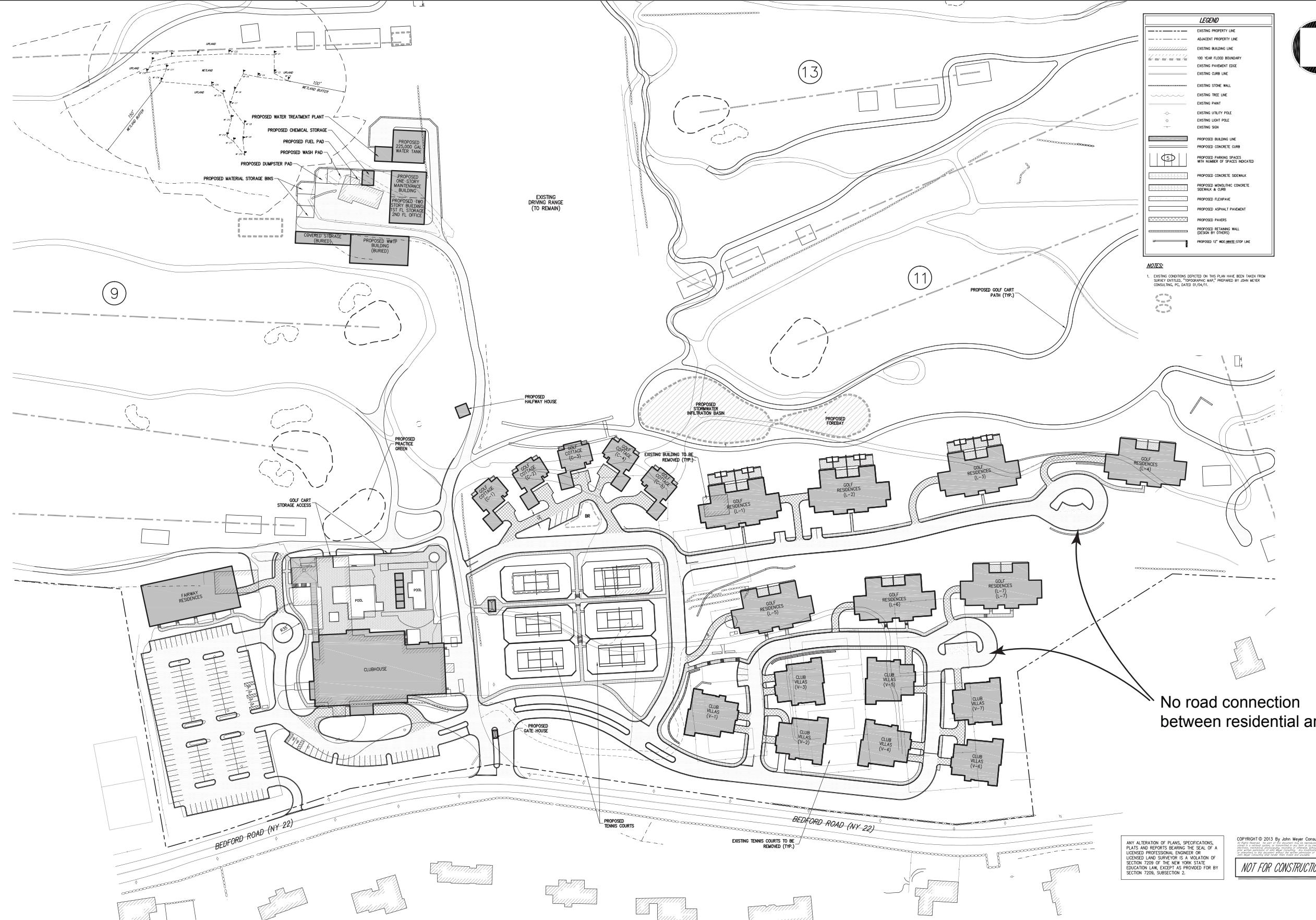


**BRYNWOOD**  
 North Castle, New York

**VHB** Engineering, Surveying and Landscape Architecture, PC.

**Alternative Road Layout  
 (no loop by Bedford Road)**

**Exhibit  
 II.Q-2**



**BRYNWOOD**  
North Castle, New York



Source: John Meyer Consulting. PC

## **BRYNWOOD**

North Castle, New York

## Alternative Layout-Hole #10 Tees

**Exhibit  
II-Q-4**

## R. Miscellaneous

### COMMENT R1:

*As a general proposition I support the club's rezoning application and believe approval would be a net benefit to the town and school district.*

*(John J. Klem, Letter #2, 6/28/13)*

*Roads and traffic, schools, water, taxes, land use, these items have been very favorably looked upon by the study. There is no doubt in my mind that continued use of the property as a golf course and only as a golf course is not viable. I won't get into the economics, but I don't believe as a golf course, in and of itself, it would be viable. The main concerns which were voiced, impact on schools and the roads, clearly have been shown by the draft report to be of immense benefit to our community. I urge the board to go forward with whatever it has to do to go through this study again, have its own experts look at everything, and then in the fall, come to a vote, and I hope the vote will be to continue and support this project.*

*(Steve Buschel, Public Hearing 6/27/13, pages 16-17)*

*I belong to Brynwood Club and to Canyon Club before it was Brynwood. I am in support of this development. On a holistic basis, it seems to me that it is almost inconceivable to think of or develop a set of facts and circumstances where implementation of the Brynwood plan would adversely affect this community. I understand that on a detail-by-detail basis there are obviously legitimate concerns, but I would ask everybody to look at it on a from-the-top-down basis and think about what the overall impact of the community is. In my opinion, it economically, environmentally, from a community standpoint, it is extraordinarily positive.*

*(Steven Tanenbaum, Public Hearing 6/27/13, pages 48-49)*

*So you can fight it and fight it or you can let it happen and have your kids have a place of employment, which I don't know if anybody has been there, but I think it is a big plus. And I think to let this fail would be a big, big loss.*

*(Bruce Wenig, Public Hearing 6/27/13, page 64)*

*I think this project is a very positive thing. I would be very interested in looking at a property there.*

*The bottom line from my point of view is the problems that I see from this whether it's water, traffic, it's all going to happen no matter what, if we do it with somebody we trust, somebody that's going to do a good job and maintain that golf course and that open space and provide something in Armonk that's just pretty good. I think it's a very positive thing.*

*(Stuart Fraser, Public Hearing 7/10/13, pages 29-34)*



*A world-class country club community designed for affluent empty nester and retirees which will enhance this town as both a recreational facility and as a newly designed venue in town for weddings, bar mitzvahs and social events and place for people to call part of Armonk is very important.*

(Alan Cohen, Public Hearing 7/10/13, pages 37-38)

*Brynwood Country Club's planned improvements have, in my opinion, everything to do with making the area a more desirable place to be part of.*

(Jeffrey Stein, Public Hearing 7/10/13, page 59)

*We get a great golf course, a new clubhouse, a good plan for condos, increased tax base, improving our Town's overall value and attraction.*

(Joe Paresi, Public Hearing 7/10/13, page 74)

*I believe very, very strongly that the Brynwood Partner Development Team is putting forth a project which is going to benefit this community, not for years, but for decades to come.*

(Steve Buschel, Public Hearing 7/10/13, page 93)

*That's why I have to say I find it both frustrating and disappointing that there are people who yet understand the importance and concept of family and community but will not and cannot see the positive impact on Armonk as whole. The Canyon Club was a country club long before most of us were residents of Armonk. So why not work with a group of individuals, and I dare say I think they are visionaries, who want to take this club from the past and not only into the future but into the present.*

(Alicia DiVicenzo, Public Hearing 7/10/13, pages 95-96)

#### **RESPONSE R1:**

Comments noted.

#### **COMMENT R2:**

*Developing empty-nester housing in Armonk is too long in coming. A master plan needs to be formulated to attract a number of projects at various price points catering to people like myself who no longer require the school system, are at the end of their working careers and want to remain in this town. The tax generation and minimal town resources required to support these residents makes it a win-win situation. Armonk will also benefit through employment opportunities and bring additional customers to local businesses.*



*As baby boomers reach retirement age in enormous numbers this is a growing marketplace. Unfortunately most are forced to leave the area or even the state to find a suitable housing alternative, which offers lower taxes, less upkeep and a safe environment. The Brynwood CC project is an attempt to fill a portion of that gap.*

*If the Brynwood project is shut down it will signal the unwillingness of the town to address the needs of a growing number of its residents, which will result in a continued exodus of long-term residents to other towns or out of state. After all why should Armonk pass on what Greenwich and White Plains have already discovered to be an attractive model for growth and sustainability?*

(Chuck Dunn, Letter #4, 7/15/13)

*There are certain things that can't be measured, and one of them is empty nesters who want to stay in the community, who have been active participants in the community, financially support the local organizations. A lot of empty nesters, including my husband and I, would like to remain here, but we don't want to stay in our house any longer. The property is too much to take care of. We go to Florida for half the year, so we won't be involved in that much traffic in the winter. We have a daughter who lives in Windmill. We would like to be near our children and grandchildren, and there are other empty nesters who live in North Castle and neighboring communities who feel the same way who would seriously consider moving to Brynwood. I hope that the board will take that into consideration.*

(Karen Davis, Public Hearing 6/27/13, page 18)

*This vision will bring housing primarily for empty nesters and a few families. It will also increase the value of Armonk as a destination and place to live. People will know of our world class schools, great restaurants and shopping and world class country clubs. This is why you moved here; this is why people will come here and when they grow old will stay here at the new Brynwood.*

(Edward Goldin, Public Hearing 7/10/13, page 18)

*Also I know many of the buyers in the community will be snow birds. They will go to Florida in the winter so the traffic impact will be far less than stated in the DEIS.*

*If you think about what is going on in the world today the demand for empty nesters and retiree housing is the fastest growing segment of the US housing market. It is the market North Castle should be competing for, not fighting to exclude. We need that. That's where we're headed.*

*Some of the characteristics of the market are affluent buyers, with grown children living elsewhere; possibly North Castle. People who sell their houses want to stay in Armonk. I want to stay here. My kids want to stay here. Few town services are needed as the homeowners association will take care of roads, garbage. This group is a high disposal income with increased spending that will benefit all local businesses.*

(Alan Cohen, Public Hearing 7/10/13, pages 41-42)



*If you have 49 houses those houses are going to families. 58 out of the 88 condos that are being built are two bedroom. Nobody is going to come up here and buy something like that to start a family. It's for people like me who eventually sell my house, live in Florida and come up here and do the snowbird thing. So it makes sense to most people that have looked at this thing, that this a very, very solid advancement for Windmill and Armonk and it's going to be something that people will look at, and say wow, this place has two great golf courses, a great supermarket, a great town, a great overall offering and it's a great place for me and I want it to stay that way.*

*(Joe Paresi, Public Hearing 7/10/13, pages 78-79)*

**RESPONSE R2:**

Comments noted. The Modified Project is the development of either 80 residential units (63 market rate condominiums, 10 market rate Golf Cottages, and 7 affordable AFFH rental units on-site), or 88 residential units (70 market rate condominiums, 10 market rate Golf Cottages, and 8 affordable AFFH rental and/or for sale units off-site). The bedroom mix of the two alternative development scenarios is shown in Table I-1.

**COMMENT R3:**

*I've been impressed through this process and why I think this is going to be successful and it's going to maintain this club, is rarely have I ever been in a process that was this interactive with the town, this interactive with the community, this much participation from all of you. You've shaped the project. You've informed the project and you've guided it and we've rarely been able to work with a board this closely. So that process, where the developer didn't just walk in and say this is what I want to do but actually work back and forth is fundamental.*

*(Jim Tinson, Public Hearing 7/10/13, pages 69-70)*

**RESPONSE R3:**

Comment noted.

**COMMENT R4:**

*Brynwood has been a job creator, a good neighbor during storms, a local events venue and a special valued land in the Town of Armonk.*

*(Edward Goldin, Public Hearing 6/27/13, page 69)*



*Brynwood was a very big lifesaver for me during hurricane Sandy. Our streets were impassable and they were cluttered with logs and we could not drive or get out. If it wasn't for Brynwood for the showers, coffee, a place to recharge and to sit and be warm, I would have been nowhere. I appreciate it so much.*

*I'm very much in favor of Brynwood.*

*(Vicky Schott, Public Hearing 7/10/13, page 62)*

**RESPONSE R4:**

Comments noted.

**COMMENT R5:**

*We looked around and I listened to two guys talk about a vision to create a place, a place that would extend the legacy of this community, a place that would be a lasting part of this community well into the future.*

*Then we set out to think about what is the best way to create a neighborhood here. A neighborhood that reflects everything special about this community.*

*(Jim Tinson, Public Hearing 7/10/13, page 64-66)*

**RESPONSE R5:**

Comment noted.

**COMMENT R6:**

*Throughout the DEIS the Applicant presents various options/scenarios for project specific details (i.e. affordable housing, secondary access, water supply, water tank design, etc.). The Applicant needs to choose a preferred action in the Final Environmental Impact Statement (FEIS) and provide more detailed information on each of these outstanding items so that the Town Board has a full understanding of the proposed action and all associated environmental impacts.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

**RESPONSE R6:**

Comment noted. See Section I of this FEIS for a description of the Modified Project, which consists of two alternative development scenarios. In either scenario, the 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) renovations and upgrades 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, at its expense, to District facilities, including the drilling of a new, fifth supply well at the District's existing well field located on Long Pond Road; and (4) improvements to the golf course.

In the first alternative development scenario ("FEIS Alternative 1"), the Applicant would construct a residential community on the Site with 63 market rate condominiums, 10 fee simple Golf Cottages, and 7 "Affordable Affirmatively Furthering Fair Housing" ("AFFH") rental units. In the second alternative development scenario ("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 213-22.1 of the Town Code, at one or more locations identified by the Applicant, and approved by the Town Board.

The Applicant has agreed to petition for extension of Town Water District No. 2 to encompass the Site, in accordance with New York Town Law Article 12. The Applicant has further agreed that if Water District No. 2 is extended to encompass the Site, the Applicant will at its expense make capacity improvements to the facilities of the District, including the improvements necessary to accommodate the Modified Project, and production of a new, fifth supply well to serve all properties in the District. The current estimated costs of the capacity improvements are detailed in Exhibit II.F-3. The Applicant would also bear the expense of producing the necessary "maps and plans" for the District extension. If Water District No. 2 is extended and the capacity improvements are made, an on-site water tank will not be required.

See Responses F1 and F17 regarding water supply and water tank, Response K14 regarding secondary access to Byram Hills High School, and Response N2 regarding affordable housing.

#### **COMMENT R7:**

*The gross floor area of the proposed maintenance facility should be identified. In addition, floor plans and elevations of the maintenance facility should be provided.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*As part of the proposed development, the existing wastewater treatment plant will be replaced. The area will be used for a new treatment plant building, as well as a water storage tank, various storage and maintenance buildings and outdoor storage areas. Plans and elevations of the buildings, storage tank and outdoor storage*



*bins should be provided. The use of each building should be described further, as should the various materials/chemicals to be stored in each.*

*(Letter #17, Kellard Sessions, North Castle Town Engineering and Wetland Consultants, 8/20/13)*

**RESPONSE R7:**

A conceptual layout of the maintenance facility, including the WWTP is in DEIS Exhibit II-14G. It is anticipated that the maintenance building will be approximately 8,000 to 11,000 square feet in gross floor area in a 1.5 to 2-story configuration. The detailed design of the facility will be submitted during the Site Plan approval process.

**COMMENT R8:**

*Pages II-10 and II-17 – please confirm that the “golf course community” means 80/88 condo unit development.*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

**RESPONSE R8:**

“Golf course community” means the on-site residential component of the Modified Project, which consists of either (1) 63 market rate condominiums, 10 fee simple Golf Cottages, and 7 “Affordable Affirmatively Furthering Fair Housing” (“AFFH”) rental units, or (2) 70 market rate condominiums and 10 fee simple Golf Cottages.

**COMMENT R9:**

*Page II-6 and II-7 – “Residential Unit Types and Architectural Design” – the # of 2 bedroom golf residences in buildings L-5 to L-7 in the verbiage does not agree to # stated in Table II-1 on page II-8. Please correct.*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

**RESPONSE R9:**

Comment noted. With the Modified Project, there would be 70 two-bedroom condominiums in Buildings L-1 to L-7; and 10 four-bedroom Golf Cottages (Buildings C-1 to C-C10).



**COMMENT R10:**

*Page II-21 – If proposed plan is approved, what type of ownership structure will be in place for the 3 parcels (golf/clubhouse, “North parcel with the residences” and “South Parcel” with affordable housing units)? Will the applicant manage operations for the entire project?*

*(Letter #12, Victoria Sirota, Town of North Castle Assessor, 8/14/13)*

**RESPONSE R10:**

Ownership and management of the Club amenities are described in Section II.B.3. on page II-20 of the DEIS. The Club, including the golf course, would be subdivided from the remainder of the Site, and would be owned by the Applicant, a related company, or a successor. The South Parcel would in each alternative development scenario of the Modified Project be a separate, subdivided lot owned by the Applicant, a related company, or a successor. To accommodate the 10 fee simple Golf Cottages of the Modified Project, the North Parcel would need to be subdivided into eleven (11) lots; one lot containing the condominium units, and then 10 lots for the Golf Cottages, which would be operated as a duly formed homeowner’s association. The condominium association and homeowner’s association would be members of a “master association,” which would ensure that both components are operated and maintained as a unified community.

**COMMENT R11:**

*Many of the proposed engineering plans (also lighting) are not legible at the scale included in the DEIS. Larger plans should be submitted.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

**RESPONSE R11:**

Full scale plans were submitted to the Town consulting engineer and Town Planning Department.

**COMMENT R12:**

*The existing and proposed golf course is managed by Troon Golf. The Applicant states in the DEIS that it wishes to become a Certified Audubon Cooperative Sanctuary. Does Troon Golf have any other courses certified?*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*



*Applicant provides no details to support its statement that “Club is currently working towards becoming a Certified Audubon Cooperative Sanctuary.”*

- *Applicant should provide details and documentation of steps taken to date.*

*(Letter #15, Kerri Kazak, North Castle Open Space Committee, 8/20/13)*

**RESPONSE R12:**

As noted in the DEIS, Brynwood Golf & Country Club is registered through Audubon International and currently working towards certification for the Audubon Cooperative Sanctuary Program for Golf Courses, an on-going procedure.

The Audubon Cooperative Sanctuary Program for Golf Courses is concerned with six key environmental areas relevant to golf course management:

- Environmental Planning
- Wildlife and Habitat Management
- Chemical Use Reduction and Safety
- Water Conservation
- Water Quality Management
- Outreach and Education

Part of the process of certification is identifying weak components of the Club’s environmental policies and procedures, which Brynwood has done. The renovation of the golf course would provide an opportunity to make improvements, including improvements to chemical and fertilizer storage, gas and diesel dispensing sites, irrigation facilities, and storm water management systems. In addition to these improvements, the Club would utilize recycled materials for cart paths, add non-maintained native planted areas, and implement a “green property” initiative utilizing energy efficient lighting and electrical upgrades as well as upgraded on-site sewage and water treatment facilities. Initiatives to be implemented also include community outreach and education about environmental stewardship. All of these upgrades and improvements that will take place with the renovation will be compiled to submit to Audubon International to eventually achieve the certification. These procedures are outlined in the ITPMP for the golf course.

Additional information about the Audubon Cooperative Sanctuary Program can be found at the following website: <https://www.auduboninternational.org/>.

**COMMENT R13:**

*The Audubon Cooperative Sanctuary Program for Golf Courses The Audubon International Environmental Management Practices for Golf Courses, www.auduboninternational.org, identifies environmental planning,*



*wildlife habitat enhancements and protection, cultural practices and IPM techniques, water quality management & monitoring, outreach & education and many other items useful to golf course managers. By following the suggested practices, the Brynwood Golf Course could work towards an Audubon Certification.*

*Provide the Audubon Cooperative Sanctuary Program for Golf Courses (ACSP) to Brynwood owners, managers, designers, members of the golfing community, North Castle officials and residents with the expectation that many of the planning and management practices would be adopted.*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE R13:**

Comment noted. See Response R12.

**COMMENT R14:**

*Environmentally Green* *This project should fit into the current strategies of the town, state and federal initiatives for conservation of resources. New construction and orientation of roofs should enhance the possibilities or the installation of solar electric power and other opportunities.*

*Identify opportunities that are available and describe how they might fit into the design, orientation of buildings and for the conservation of energy in the long term.*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

**RESPONSE R14:**

The Modified Project would address issues of energy use and sustainability on a number of different levels. The sourcing of construction materials, management of the construction process, selection of materials and building systems to be installed, and long term maintenance of the buildings would all contribute to the energy efficiency of the Modified Project. Although the Modified Project is not proposed to be certified to any specific LEED standard, many components of the Modified Project would meet LEED objectives, and help to reduce energy use in the long term and short term.

The proposed residences would be designed to meet or exceed the New York State Energy Conservation Construction Code which requires the use of energy efficient products in all new and renovated construction. The exterior walls and roofs of the structures would have thermal insulation so as to reduce heat loss in the winter and heat gain in the summer. The windows would be double paned, insulating glass for winter heating and low emissivity for summer cooling.

See DEIS Chapter VI.B. for further details, including a list of design features that would be incorporated to meet LEED objectives, and help reduce energy use in the long term and short term. See also Response R12



regarding environmental initiatives on the golf course.

**COMMENT R15:**

*We note that the draft EIS includes an adequate discussion regarding County recycling law, noting that all recycling regulations will be followed. This is important given the recent expansion of the County's recycling program to include all plastics numbered 1 through 7.*

*We also commend the applicant for proposing an organic recycling area for plant-based debris cleared from the golf course. This will help eliminate waste from the waste stream that can otherwise be put to use for landscape maintenance on the site. We urge the applicant to take this one step further and consider on-site composting of food waste generated from food service operations at the club house. This would further reduce the waste that would need to be carted from the site and would provide another resource for landscaping maintenance.*

*(Letter #9, Edward Burroughs, AICP, Westchester County Board, 8/6/13)*

**RESPONSE R15:**

Comment noted.

**COMMENT R16:**

*Also, it's been suggested that Brynwood simply make this new community age restricted. Why? I'm the target market here. I can assure you I do not want to live in an age restricted community or be labeled in any way. Aside from that, age restriction will lower the home values and thus lower the tax revenue.*

*(Alan Cohen, Public Hearing 7/10/13, page 39)*

**RESPONSE R16:**

Comment noted.

**COMMENT R17:**

*For all of the reasons identified in the Market Analysis/Socioeconomic section, lower taxes (condo) yields higher marketability and lower school children. What methods will be utilized in order to assure these assumptions are correct? Specifically, it appears that an age-restriction would be an appropriate mechanism to put in place to ensure the DEIS assumptions become reality.*



*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

*If 80 percent of the units will get sold to empty nesters, why can't this be age restricted? They do provide information on a successful condominium project as an example of why this project should be a success which is the Christie Place Condominium in Scarsdale, which is age restricted. So why can't this be age restricted? That answer is not laid out in the DEIS.*

*(Stuart Kovensky, Public Hearing, page 26, 6/27/13)*

*They are really developing this for empty nesters and people who are 55 and older, then why not put that in writing? Why not make a restrictive covenant that makes that the case? I am willing to support this proposal with those types of restrictions, that it is only for people that are 55 and older, and then I don't have to worry about my kids' education, one of the primary reasons I moved here.*

*(Amy Zipper, Public Hearing, pages 61-62, 6/27/13)*

**RESPONSE R17:**

Comments noted. The market study (See DEIS Appendix P) concludes that 87% of the prospective purchasers would be “empty nesters,” 55 year of age and older, who currently reside in upper Westchester and lower Fairfield Counties, have raised their family in the area and still have strong roots in the community, and consider this area their home and want to remain here as they age. The Applicant’s contention is that age restriction would make it significantly more difficult to finance the Modified Project. The Applicant is also of the opinion that the design of the residences (without private back yards or children’s play areas and amenities) coupled with mandatory membership in the Club and condominium common charges and Golf Cottage homeowner’s association charges would make the Modified Project much more desirable to adults 55 years of age and over than to younger adults with school age children, making age restriction unnecessary.

**COMMENT R18:**

*I am not only an empty nester for a lot of years, but I am considerably older. This has no appeal to me and I can't imagine it appealing to the average person over 55.*

*(Peter Weiller, Public Hearing 6/27/13, page 53)*

**RESPONSE R18:**

Comment noted. See Response R17.



**COMMENT R19:**

*When I sell my three houses, I don't think people older than me are going to buy it. Somebody with kids is going to move there too. So you can't just pick and choose and say 55 year old people are going to live here and 35 year old people are going to live here. I don't even know if my kids can afford my house. They can't now.*

*(Stuart Fraser, Public Hearing 7/10/13, page 33)*

**RESPONSE R19:**

Comment noted.

**COMMENT R20:**

*Have you done a survey of the existing membership to determine how many will remain members after the reconstruction and at what can assume will be much higher rates? If so, what are the results?*

*(Letter #14, Stephen D'Angelo, 8/19/13)*

**RESPONSE R20:**

The Applicant indicates that they have formally surveyed their advisory board on the renovation plans, and based on their responses, they anticipate that more than half of the current members will remain members after the reconstruction.

**COMMENT R21:**

*Where do you expect to get the roughly 250 outside members to supplement the 80 resident members?*

*(Letter #14, Stephen D'Angelo, 8/19/13)*

**RESPONSE R21:**

See Response R20. Brynwood Golf & Country Club currently has approximately 350 members, and the Applicant expects the majority to remain members after the Club is improved. The Applicant also anticipates that the improvements to the Club would make it significantly more marketable and competitive with other clubs in the area, and would yield new non-resident members.



**COMMENT R22:**

*There are several overnight accommodations planned for the facility. At what point is this property considered a hotel? I understand that there are only 10 units but if there are different standards because of this we would like to know now. Or, once the license is in place, can it be expanded upon, can it be raised to 20 rooms 30 or 40 rooms without too much difficulty? After all if the units do not get sold they may make a convenient hotel.*

*(Letter #20, Steve Schneider, 8/20/13)*

*If the Brynwood plan is allowed to proceed, in three years we'll see 88 homes with overnight facilities for an additional twenty people plus ten guest suites and I'm not sure about the nine affordable rate units. While these units are advertised as supporting the seniors, it seems more likely a hotel.*

*Let us not forget the hotel and employees that live on the site. That's an additional 32 people. This is a 24/7, 365 day year operation. On the weekends from May through September additional six to seven hundred people may be coming here per day based on their facilities.*

*This is a talk about a very non-residential use project coupled in a residential package to make it plausible by the Board. It's a full commercial facility.*

*(Steve Schneider, Public Hearing 7/10/13, pages 97-100)*

**RESPONSE R22:**

Brynwood Golf & Country Club is an existing, permitted commercial facility that contains a golf course, recreational facilities, pro shop, guest and employee lodging rooms, restaurant and bars, and a banquet hall. The Club currently has one guest suite and 23 rooms for employee housing. The Modified Project includes six guest lodging rooms and eight rooms for employee housing in the building south of the clubhouse. Both the guest suites and employee rooms would continue to be limited to temporary occupancy. The eight proposed employee rooms would be dormitory style, with a communal kitchen, which is similar to the existing employee housing in the clubhouse. These rooms are used by seasonal workers who are employed only during the peak summer months. The guest suites would not be marketed as, or used as, destination hotel rooms for general public use. Rather, these units would be used by family members or guests attending a special event.

To assure that the rooms would not be operated as short or long duration hotel units, the Applicant's proposed amendment to the regulations for "membership clubs" provides that "lodging rooms/suites 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."



**COMMENT R23:**

*To think they can make this golf course economically sound to me is a crazy idea. If it doesn't work, then all these numbers go out of the window and we are stuck with a bunch of property, not even completed condominiums that aren't paying their fair share. There is no golf course paying these taxes, and they also want to turn this into, I believe some sort of event situation. They talk about it being a help to the community. I am not so sure that having a couple of hundred people there on the weekends is a help to our community. I don't know where the hundred people who are going to be employed come from, but I doubt they are coming from North Castle, Armonk, so I don't know where that fits into this discussion.*

(Pete Weiller, Public Hearing, pages 53-54, 6/27/13)

**RESPONSE R23:**

Comment noted. The Site has been used as a country club for almost fifty years. It generates real estate taxes as a commercial facility, which would increase as a result of the increased market value of the renovated Club. It should be noted that the proposed renovated clubhouse would be smaller in size than the existing clubhouse, only member-sponsored events would be permitted, and the anticipated membership of around 350 is lower than the 500 members permitted under the existing special use permit. See also Response R22.

The Club currently employs approximately 92 full-time equivalent employees during the peak month of July. It is likely that the new employees would be area residents, and that the Club would continue to be one of the largest employers of local teenagers in the Town.

**COMMENT R24:**

*When I come there [Century Country Club in Purchase] on Mondays it is often difficult to find a place to park, despite there being three parking lots. My friend said that on Mondays, other country clubs are invited to spend the day at Century, playing golf and eating in one of the restaurants, all for a very big fee per person. The problem is that on those days, there are hundreds of cars in the area, as well as about a hundred additional personnel from Century. All-in-all, a tremendous amount of vehicles and people coming into the area.*

*When I asked my friend why Century has these guest days, after all, Century is a very rich club with very high fees and membership charges, she said they have to do that to survive financially. She said that although the fees are high to the members, it still doesn't cover the enormous expense of running a top-tier club. So they put with all the extra people and traffic on Mondays.*

*My thoughts go to how Brynwood would handle a similar situation. It's likely that Brynwood would also have to invite other clubs in, as Century does, to help them survive financially. Route 22 would be very congested*



*and have difficulty handling several hundred extra cars, even if it's only on Mondays. All these extra cars would be coming in for the day just as Windmill Farms residents and others would be trying to get onto Route 22 to begin their day, creating traffic jams in both directions.*

*The other thought is, if Brynwood cannot attract other rich clubs to come for a day of golf and hospitality, would they soon come before the Board again, asking for still more concessions, to help them survive? North Castle homeowners would already be paying more taxes, to pick up the part the condos in Brynwood would not be paying. So what more would this development bring, besides road congestion, higher tax burden for other North Castle homeowners, and more children in our schools. It doesn't sound good.*

*(Letter #10, Sandra Adelman, 8/8/13)*

**RESPONSE R24:**

Comment noted. The Applicant has no plan to implement guest days as described by the commenter. With regard to taxes, the Applicant has agreed, for itself and the condominium association that will be its successor, to address the taxation disparity and mitigate any adverse fiscal impacts on the Town and the Byram Hills School District by making an annual payment to the Town and School District equal to the difference between the amount paid as condominiums and the amount that would have been paid if the same units were owned and taxed as fee simple residences. In the Applicant's opinion, the Modified Project would generate a net surplus of tax revenue to the Town sufficient to cover the costs of services the Town would provide to the Modified Project. See Response C1.

**COMMENT R25:**

*All residents on site will be required to be members of the golf club. In its public presentations, the applicant said that the cost to be a member will be approximately \$30,000 per year which is substantially higher than the cost to belong to golf clubs in this area. What does this fee include?*

*(Letter #18, Robert Greene, 8/20/13)*

**RESPONSE R25:**

Brynwood has not yet publicly stated an annual dues amount. However, it is noted that the annual dues amount will include access to all of the amenities of the Club - golf, tennis, pool, fitness and social activities.



**COMMENT R26:**

*I'd like to know also whether you have asked or looked into these developers experience in building a golf course community.*

*(Pete Coviello, Public Hearing 7/10/13, page 14)*

*I don't know that the developers have exposed to any of us that they have experience in building this kind of development. Whether they have built developments around golf courses and what they know about golf course business. They want to sell the 50 or 80 units and then I think they will abandon ship and leave those people there stuck with supporting this golf course. That seems to be what happens in Florida and these developers are from Florida. As soon as they sell the units, they try to turn the golf course over to the residents and how they will support this with a minimum number of residents, I have no idea.*

*(Peter Weiller, Public Hearing 6/27/13, page 54)*

**RESPONSE R26:**

The Applicant's consulting team, including Troon Golf, Rees Jones and Hart Howerton, has extensive golf experience.

The Petition submitted by the Applicant describes the experience of Corigin, JBM Realty and Florida East Coast Realty, the members of the company, as follows:

"Corigin is a vertically integrated real estate company with in-house expertise in acquisition, asset repositioning, adaptive reuse, ground-up development and the disciplines of architecture, construction, sales, marketing, finance, legal and accounting. Corigin has a strong record of success and has invested in numerous development projects in its eighteen year history with over \$2 billion in asset value. Corigin's current transactions encompass more than five (5) million square feet of residential and commercial real estate projects in New York, New Jersey and Florida. Additionally, Corigin is the largest private provider of student housing to New York University ("NYU"), currently housing more than 2,400 of its students in buildings owned and managed by Corigin and net leased to NYU.

JBM Realty was founded in 1983 and is a private company focusing on the development, financing and sale of residential and commercial properties. The principal of JBM Realty is Jeffrey B. Mendell. Mr. Mendell has been a resident of the Town of North Castle (the "Town") since 1994. Mr. Mendell's most recent project was the development of Greenwich Shore, a luxury rental apartment project overlooking Long Island Sound in Greenwich, Connecticut. Earlier in his career, Mr. Mendell was an executive with Citicorp Real Estate, Inc. in New York City, President of National Realty & Development Corp. of Purchase, New York, where he was responsible for all aspects of a fourteen (14) million square foot portfolio of shopping centers, office parks and a residential construction business based



in New Jersey, and President of RFR/Davis, Davis & Partners and affiliated companies, where he supervised all aspects of the development, construction and management of a portfolio of over 1500 luxury residential apartments in Manhattan.

FECR has been developing real estate, primarily in the State of Florida, for over sixty (60) years and is responsible for the development of over sixty (60) million square feet. A fully integrated, family-owned and operated business under the direction of legendary developer Tibor Halo, FECR constructs and develops single-family homes, residential and commercial high-rises, government buildings, marinas, high-end retail centers, warehouse complexes and telecommunications centers. Among other projects, FECR was the driving force behind the master planned transformation of Miami's Omni/Venetia area into what is now known as the Media and Entertainment District, which covers six square blocks on the northern edge of downtown Miami, and includes residences, hotels, high-end retail space and Sea Isle Marina and Yachting Center, a full-service marina and home of the Miami International Boat Show."

#### **COMMENT R27:**

*Review by the Consulting Town Engineer concerning engineering, wetlands and construction methods for completeness and consistency with the Adopted Scope were provided in an 18 page memorandum dated May 1, 2013.*

*The Kellard Sessions Consulting, P.C. Memorandum: Draft Environmental Impact Statement (DEIS) Review to the Town Board and the Planning Board dated May 1, 2013 should be included in the FEIS.*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*

#### **RESPONSE R27:**

The May 1, 2013 memorandum contains comments regarding the completeness of the DEIS, and not substantive comments on the proposed action. The substantive comments of Kellard Sessions Consulting are included in Appendix C of this FEIS, and all of those comments are responded to in the FEIS.

#### **COMMENT R28:**

*Noise Impacts* *Construction noise levels are not allowed to exceed 70dB(A) in a residential district during the hours of 8:00 am to 6:00 pm or sundown, whichever is later to 8 pm. The North Castle Code regarding noise may be more limiting and should be identified and included in the FEIS.*

*(Letter 19, John Fava, North Castle Conservation Board, 8/20/13)*



**RESPONSE R28:**

As noted in Chapters III.P (Noise) and III.R (Construction) in the DEIS, the Applicant would comply with the Town's noise ordinance. Chapter III.P of the DEIS specifically describes the Town of North Castle Noise Code as follows:

**Town of North Castle Noise Code**

The Town Code provides guidance on evaluating noise levels from different sources<sup>1</sup>. The following are acts that would pertain to the proposed development.

Section 137-11 of the Town Code pertains to air conditioning and air handling devices:

No person shall operate or permit to be operated an air-conditioning or air-handling device that exceeds the maximum sound-level limitations provided in this section. In areas zoned residential, single-family or multiple-dwelling units, continuous sound in air which has crossed the property line shall not exceed 55 dB(A) at any point.

Section 137-17 provides sound level limits permitted at residential zoned districts.

- A. During the hours of 8:00 a.m. to 6:00 p.m., noise levels within any residential zoned district shall not exceed 65 dB(A).
- B. During the hours of 6:00 p.m. to 8:00 p.m., noise levels within any residential zoned district shall not exceed 55 dB(A).

Section 137-19 provides sound level limits associated with construction activities.

- A. No person shall conduct or permit to be conducted construction activities in a manner so as to produce a sound level exceeding 70 dB(A) in a residential zoned district during the hours of 8:00 a.m. to 6:00 p.m. or sundown, whichever is later, 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 p.m., noise levels shall not exceed the maximum noise levels set forth in Section 137-17.

**COMMENT R29:**

*The Applicant should submit a Phase IB and II archeological studies for the identified sensitive areas of the property. The results of the Phase II should be summarized in the FEIS.*

*(Letter #16, Adam Kaufman, Town Director of Planning and BFJ Planning, Planning Consultant, 8/20/13)*

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<sup>1</sup>Chapter 137, Code of the Town of North Castle New York, adopted 9-26-1985.



**RESPONSE R29:**

Phase IB and Phase II archeological studies were completed in June 2013 by Historical Perspectives Inc. The studies, and a determination from New York State Office of Parks, Recreation and Historic Preservation stating “No Historic Properties Affected”, are located in Appendices E and O of this FEIS, respectively, and summarized in Section I.D.1. of this FEIS. See Response R31.

**COMMENT R30:**

*Department permits are needed for this project, therefore, coordination of project review with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) is required, and the applicant must supply a "letter of effect" from OPRHP to the Department.*

*(Letter #8, Jean McAvoy, NYSDEC, 7/26/13)*

**RESPONSE R30:**

See Response R30. The determination letter of New York State Office of Parks, Recreation and Historic Preservation is dated August 2, 2013, and is provided in Appendix O of this FEIS.

**COMMENT R31:**

*I just want to emphasize that all estimates in the DEIS for this Brynwood proposal, all the estimates are derived as a result of -- they are totally based on conjecture, every single thing, the sale price of the condo's, the number of the children in the development, whether the golf club is going to stay in business, all of that is conjecture...*

*(Jan Bernstein, Public Hearing 6/27/13, page 44)*

*This DEIS is over 2000 pages long. It's full of a lot of information. The issue with that information is it can't help but be skewed. The whole business is paid for by developers. There is virtually no one who studies these things or are paid for by neighbors. There just isn't the money.*

*(Pete Coviello, Public Hearing 7/10/13, page 9)*

*It appears to me that this, like I would do if I were the developer, is a one-sided position. It's what you would expect and I would think less of them if they hadn't made it one-sided.*

*(Bob Greene, Public Hearing 7/10/13, page 50)*



*People have objected to the input of the various findings of the professionals who provided information on the DEIS. As I understand it, these were not selected by the developer, but rather by the Town. The developer had to pay for it. So these are objective findings. It's not the responsibility of the citizens to make these findings, they are free to comment on them. But, the Town in its wisdom has selected Mr. A, B and C to perform these tasks and I assume they are all professionals and it has been performed.*

*(Dan Davis, Public Hearing 7/10/13, page 57)*

**RESPONSE R31:**

Comments noted. The Town Board has been engaged in a thorough and rigorous SEQRA review process in compliance with all applicable laws and regulations, and has been assisted by highly qualified professional staff, and expert consultants engaged by the Town at the Applicant's expense. As is the case with any environmental impact statement, certain estimates must necessarily be based on the best information that is available before the action being studied is actually built and operating. A DEIS prepared by an applicant is expected to reflect the applicant's views, and is typically characterized as "the applicant's document." However, under Section 617.9(b)(8) of the SEQRA regulations, "the lead agency is responsible for the adequacy and accuracy of the final EIS, regardless of who prepares it." This FEIS is therefore the Town Board's document.

