



**PLANNING BOARD**  
**Christopher Carthy, Chair**

**TOWN OF NORTH CASTLE**  
**WESTCHESTER COUNTY**  
**17 Bedford Road**  
**Armonk, New York 10504-1898**

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## **RESOLUTION**

**Action:** Amended Site Plan, Wetlands Permit, Steep Slope Permit, and Tree Removal Permit Approvals  
**Application Name:** Brynwood Golf Course Redevelopment Phase [2020-015]  
**Applicant/Owner:** Brynwood Partners LLC  
**Designation:** 101.02-1-28.1  
**Zone:** R-2A & Golf Course Community Floating Overlay (GCCFO)  
**Acreage:** Approx. 130 acres  
**Location:** 568 Bedford Road  
**Date of Approval:** July 13, 2020  
**Expiration Date:** July 13, 2021 (1 Year)

WHEREAS, the Applicant is proposing an amended site plan, wetlands permit, steep slope permit and tree removal permit application for the reconstruction of the Brynwood Golf Course; and

WHEREAS, the redesigned golf course obtained Site Plan Approval from the Planning Board for the full scope (Phase B) golf course improvements on March 7, 2016; and

WHEREAS, the applicant would like to pursue Amended Site Plan Approval for a reduced scope (Phase A) of golf course improvements which significantly reduces the work area (from 72.90 acres to approximately 9.80 acres) and subsequent environmental impacts; and

WHEREAS, improvements now focus on select tees, bunkers & greens along with limited work to fairways and the driving range; and

WHEREAS, there is reduced tree removal and Town-regulated wetland buffer disturbance associated with this proposal; and

WHEREAS, the golf course improvements represent phase 1 of the redevelopment of the property that would ultimately include upgraded golf club facilities and a new golf course residential community; and

WHEREAS, in connection with the proposed development, the Applicant has submitted the following documents and plans:

- Plan labeled "GCSP-1A," entitled "Cover Sheet," dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled "GCSP-2.0A," entitled "Overall Existing Conditions Map," dated 03/23/2020, prepared by JMC, PLLC

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- Plan labeled “GCSP-2.1A,” entitled “Existing Conditions Map,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-2.2A,” entitled “Existing Conditions Map,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-2.3A,” entitled “Existing Conditions Map,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-2.4A,” entitled “Existing Conditions Map,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-2.5A,” entitled “Existing Conditions Map,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-2.6A,” entitled “Existing Conditions Map,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-3A,” entitled “Phasing Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-4.0A,” entitled “Overall Site Layout Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-5.0A,” entitled “Overall Grading Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-5.1A,” entitled “Grading Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-5.2A,” entitled “Grading Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-5.3A,” entitled “Grading Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-5.4A,” entitled “Grading Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-5.5A,” entitled “Grading Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-5.6A,” entitled “Grading Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-6.0A,” entitled “Overall Erosion & Sediment Control Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-6.0AA,” entitled “Erosion & Sediment Control/Sequence of Construction Notes,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-6.1A,” entitled “Erosion & Sediment Control Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-6.2A,” entitled “Erosion & Sediment Control Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-6.3A,” entitled “Erosion & Sediment Control Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-6.4A,” entitled “Erosion & Sediment Control Plan,” dated 03/23/2020, prepared by JMC, PLLC

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- Plan labeled “GCSP-6.5A,” entitled “Erosion & Sediment Control Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-6.6A,” entitled “Erosion & Sediment Control Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-7A,” entitled “Steep Slope Disturbance Plan,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “GCSP-9A,” entitled “Construction Details,” dated 03/23/2020, prepared by JMC, PLLC
- Plan labeled “WM-1,” entitled “Wetland Mitigation Plan,” dated 03/13/2020, prepared by Jay Fain & Associates, LLC
- Plan labeled “WM-2,” entitled “Wetland Mitigation & Planting Details,” dated 03/13/2020, prepared by Jay Fain & Associates, LLC
- Plan labeled “WM-3,” entitled “Planting Details & Notes,” dated 03/13/2020, prepared by Jay Fain & Associates, LLC
- Plan labeled “TR-0,” entitled “Tree Removal Plan,” dated 03/13/2020, prepared by Jay Fain & Associates, LLC

WHEREAS, the original site plan depicted 3.18 acres of Town-regulated wetland disturbance associated with the proposed pond dredging and 11.05 acres of Town-regulated wetland buffer disturbance associated with the golf course improvements; and

WHEREAS, the amended site plan proposes no direct wetland impacts and 1.85 acres of Town-regulated wetland buffer disturbance associated with the amended golf course improvements; and

WHEREAS, pursuant to Section 340-5.B(1) of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board; and

WHEREAS, such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 340; and

WHEREAS, the Conservation Board in a July 7, 2020 letter to the Planning Board recommended approval of the wetlands permit; and

WHEREAS, the Conservation Board noted that the provided mitigation does not meet the 2:1 mitigation ratio; however, the Conservation Board was comfortable with the presented plan as the property is an actively maintained golf course, which limits the areas for additional mitigation and the property is a certified Audubon Sanctuary, which requires the course to naturalize the site to the greatest extent practicable; and

WHEREAS, the Planning Board finds that the proposed amount of Town-regulated wetland buffer disturbance is acceptable; and

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WHEREAS, the original site plan depicted the removal of 702 Town-regulated trees, 109 of which are Town-regulated Significant Trees; and

WHEREAS, the amended site plan depicts the removal of 37 additional trees; and

WHEREAS, the site plan depicts Town-regulated steep slope disturbance; and

WHEREAS, the Applicant has prepared a sediment and erosion control plan to ensure that the proposed steep slope disturbance will not have a significant negative impact; and

WHEREAS, the Planning Board finds that given the existing topography of the property and the extent of the proposed course rehabilitation, the proposed amount of Town-regulated steep slope disturbance is not excessive; and

WHEREAS, the Applicant previously submitted an Integrated Turfgrass and Pest Management Plan (ITPMP) for review by the Planning Board; and

WHEREAS, the Applicant has stated their desire to become a Certified Audubon International Cooperative Sanctuary and submitted documentation regarding the certification process; and

WHEREAS, the Applicant previously submitted a proposed surface-water and groundwater sampling program to monitor for pesticide concentrations at the golf course; and

WHEREAS, the application for site development plan approval was referred to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code on June 25, 2020; and

WHEREAS, on July 13, 2020, the Planning Board, pursuant to Section 355-44 of the North Castle Code, conducted a duly noticed public hearing with respect to the site plan and wetlands permit applications, at which time all those wishing to be heard with respect to the site plan were given an opportunity to be heard; and

WHEREAS, the Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board has inspected the site and is familiar with the nature of the site, the surrounding area, and the proposed development; and

WHEREAS, the Planning Board has requested, received, and considered comments from the Town Attorney, Town Engineer, and Town Planner regarding the proposed development; and

WHEREAS, the requirements of the Zoning Ordinance of the Town of North Castle have been met by said application.

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NOW THEREFORE BE IT RESOLVED, that based upon its review of the full environmental record the Planning Board finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED that, the application for amended site plan, wetlands permit, steep slope permit and tree removal permit approvals as described herein, be and are hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this amended site plan, wetlands permit, steep slope permit and tree removal permit approvals shall expire one (1) year after the date of this resolution unless all of the conditions and modifications identified below have been substantially completed or an extension of time has been requested by the applicant or granted by the North Castle Planning Board.

**Prior to the Signing of the Site Plan:**

*(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)*

- \_\_\_\_\_1. The Applicant shall demonstrate, to the satisfaction of the Town Engineer, adequate and safe storage of all chemicals and chemical application equipment needed to implement the submitted ITPMP. In addition, the Applicant shall provide certifications that the storage facility meets all applicable codes and regulations.

**[NOTE TO PB: THE SCOPE OF THE PROJECT HAS BEEN GREATLY REDUCED. THE PB SHOULD DETERMINE WHETHER AN ITPMP SHOULD STILL BE REQUIRED.]**

- \_\_\_\_\_2. The Applicant shall demonstrate, to the satisfaction of the Town Engineer, a plan for an adequate and safe equipment wash down area, inclusive of wash down pad, containment berm(s), collection system, oil/water separator, discharge swales, etc. needed to implement the submitted ITPMP. In addition, the Applicant shall provide certifications that the wash down area meets all applicable codes and regulations.

**[NOTE TO PB: SEE ABOVE. ADDITIONALLY, THE APPLICANT SHOULD NOTE THAT ANY CLUB FACILITIES NOT DEPICTED ON THE GOLF COURSE PLAN AT THIS TIME WILL NEED TO BE APPROVED BY THE PLANNING BOARD. FOR EXAMPLE ANY TEMPORARY/PERMANENT CLUB HOUSE, TEMPORARY/PERMANENT GOLF CART STORAGE,**

**INDOOR/OUTDOOR TEMPORARY/PERMANENT DINING FACILITY, ETC.]**

- \_\_\_\_\_3. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the satisfactory implementation of the wetland mitigation planting plan and long term maintenance of those plantings on the site, the amount of said bonds or other security to be determined by the Town Board. Such bonds shall be released after completion of the mitigation plantings and after the term of the long term maintenance period has ended to the satisfaction of the Town Engineer.

In the event that the issuer of the bonds or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this site plan.

- \_\_\_\_\_4. The Applicant shall submit a final wetland monitoring and maintenance plan to the satisfaction of the Town Engineer.
- \_\_\_\_\_5. The wetland mitigation plan shall be revised to include the details of the monitoring and maintenance plan to the satisfaction of the Town Engineer.
- \_\_\_\_\_6. The site plans shall identify the sample locations, frequencies and durations for surface and groundwater sampling, to the satisfaction of the Town Engineer, as stipulated in the Surface Water and Groundwater Sampling Programing Report, prepared by LBG. The report shall be finalized and reference to the final report shall be included on the plans.

**[NOTE TO PB: THE SCOPE OF THE PROJECT HAS BEEN GREATLY REDUCED. THE PB SHOULD DETERMINE WHETHER THE GROUNDWATER SAMPLING PROGRAM SHOULD STILL BE REQUIRED.]**

- \_\_\_\_\_7. The Grading Plan(s) and Erosion and Sediment Control Plan(s) shall indicate all tree removal required to implement the proposed improvements and be coordinated with the Wetland Mitigation Plan (Sheet WM-1), as appropriate, to the satisfaction of the Town Engineer.

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- \_\_\_\_\_8. The Surface and Groundwater Sampling Program shall be revised to incorporate the March 4, 2016 HES comments to the satisfaction of the Town Engineer.

**[NOTE TO PB: THE SCOPE OF THE PROJECT HAS BEEN GREATLY REDUCED. THE PB SHOULD DETERMINE WHETHER THE GROUNDWATER SAMPLING PROGRAM SHOULD STILL BE REQUIRED.]**

- \_\_\_\_\_9. The plan shall illustrate the installation of temporary silt fence downgrade of all disturbance areas to the satisfaction of the Town Engineer.
- \_\_\_\_\_10. The plan shall illustrate the proposed temporary road required to access the Construction Staging and Equipment Storage Area and any required tree removal to the satisfaction of the Town Engineer. This area should be included in any disturbance area calculations.
- \_\_\_\_\_11. The plan should include a detail for the temporary silt fence to the satisfaction of the Town Engineer.
- \_\_\_\_\_12. The Erosion and Sediment Control Plan should locate the Temporary Construction Fence included on the details to the satisfaction of the Town Engineer.
- \_\_\_\_\_13. Pursuant to Section 127-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all site improvements proposed, with the quantities certified to by the applicant's engineer, to the satisfaction of the Town Engineer.
- \_\_\_\_\_14. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_15. The Applicant shall submit to the Planning Board Secretary 2 sets of plans (with required signature block) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney.
- \_\_\_\_\_16. The Applicant shall submit final construction plans for site improvements to the Town Engineer for his approval of driveways, parking areas, storm drainage system, water and sewer connections, sidewalks, erosion and sediment controls and any other information requested by the Town Engineer to the satisfaction of the Town Engineer.

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**Prior to the Issuance of a Building Permit:**

*(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)*

- \_\_\_\_\_ 1. The applicant shall provide proof of coverage under the NYSDEC General Permit, GP 0-20-001, for Stormwater Discharge from Construction Activity to the satisfaction of the Town Engineer
- \_\_\_\_\_ 2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- \_\_\_\_\_ 3. The submission of a complete set of building plans for review and approval by the Town Building Inspector prior to the issuance of a building permit.
- \_\_\_\_\_ 4. The applicant shall establish an engineering inspection escrow account equal to 3% of the estimated cost of construction.
- \_\_\_\_\_ 5. Payment of all outstanding fees, including professional review fees.

**Prior to the Issuance of a Certificate of Occupancy/Compliance:**

*(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)*

- \_\_\_\_\_ 1. The applicant shall provide proof of filing a Notice of Termination (NOT) with NYSDEC from coverage under the General Permit, GP-0-20-001, for Stormwater Discharge from Construction Activity, to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 2. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all wetland mitigation plans to the satisfaction of the Town Engineer.
- \_\_\_\_\_ 3. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping shall be certified by a licensed landscape architect as being in compliance with the approved plans and conditions, at the sole cost and expense of the Applicant.
- \_\_\_\_\_ 4. The submission to the Town Building Inspector of an "As Built" site plan.

**Other Conditions:**

1. If rock crushing is proposed, submission of a permit to "Construct and Operate Portable Rock Crushing and Power Screening Equipment" from the Westchester County Department of Health (WCDOH) to the satisfaction of the Town Engineer.

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2. If blasting is proposed, submission of a permit to blast issued by the Building Department pursuant to Chapter 122 of the Town Code.
3. Construction equipment shall be required to have installed and properly operating original noise muffler systems.
4. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Building Department and Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.
5. Grading and clearing and other construction-related activities shall take place only within the delineated area of disturbance lines. These area of disturbance lines represent the maximum limits of construction activities. Every attempt shall be made to further reduce grading and clearing activities within the area of disturbance lines by maintaining natural vegetation and topography wherever practicable.
6. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and Town Engineer.
7. For each phase of construction, soil erosion and sedimentation control measures shown on the plans shall be in place prior to the start of any site work (excluding mechanized tree work) as described in the sequence of construction, to the satisfaction of the Town Engineer. The Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of site work.
8. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil shall be removed from the silt fence when bulges develop in the fence in accordance with Westchester County recommendations. Records shall be kept onsite and made available for review by Town personnel. Inspections shall be in accordance with the NYSDEC Phase II regulations.
9. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and Town Engineer. The

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Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.

10. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
11. The applicant shall provide sedimentation and erosion control measures to the satisfaction of the Town Engineer and in accordance with the measures set forth in the Westchester County Best Management Practices for Construction and Related Activities.
12. All landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. All plants not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season.

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APPLICANT, agreed and understood as to contents and conditions, including expiration, contained herein

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brynwood Partners LLC

NORTH CASTLE PLANNING OFFICE,  
as to approval by the North Castle Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Valerie B. Desimone, Planning Board Secretary

KELLARD ENGINEERING & CONSULTING P.C.  
As to Drainage and Engineering Matters

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joseph M. Cermele, P.E.  
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP  
As to Form and Sufficiency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

\_\_\_\_\_  
Date

\_\_\_\_\_  
Christopher Carthy, Chairman