


MEMORANDUM

TO: North Castle Planning Board

CC: North Castle Town Board
Roland Baroni, Jr., Esq.
Jeffrey Mendell, Brynwood Partners, LLC
Greg Gleason, Brynwood Holdings, LLC
Paul Sysak, RLA

FROM: Joseph M. Cermele, P.E., CFM 
Kellard Sessions Consulting
Consulting Town Engineers

DATE: September 10, 2020

RE: Request for Bond Release – Wetland Mitigation Plantings Bond
Brynwood Subdivision
568 Bedford Road
Section 101.02, Block 1, Lot 28

This office received two (2) letters (attached) – Letter, dated August 18, 2020 from Jeffrey Mendell at Brynwood Partners, LLC and Letter, dated July 15, 2020 from Greg Gleason at Brynwood Holdings, LLC, requesting a release of the Wetland Mitigation Plantings Bond/Letter of Credit relating to the site improvements for the above-referenced project. The Wetland Mitigation Plantings Bond was required as a condition of the Site Plan, Wetlands Permit, Steep Slope Permit, and Tree Removal Permit Approvals granted by Resolution of the Planning Board on March 7, 2016 for the Phase 1 redevelopment of the property. More specifically, a Mitigation Plantings Bond was required to ensure completion of the mitigation plantings, as well as to maintain said plantings for a period of five (5) years (see attached Wetland Mitigation Plantings Bond Recommendation Memorandum, dated September 14, 2016). The applicant has since modified and significantly reduced the scope of the original approved plan and final approval of the revised plans are pending.

The applicant has requested a release of the original Mitigation Plantings Bond in the amount of \$49,500.00, as well as the second bond for the 5-year maintenance plan in the amount of \$6,750.00. This release of the Bond would be granted with the understanding that prior to approval of the revised plans, the applicant would be required, as a Condition of the Resolution, to post a revised Wetland Mitigation Bond in an amount to be reviewed and approved by this office for recommendation by the Planning

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September 10, 2020
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Board for ultimate authorization by the Town Board. If the Planning and Town Boards are amenable, it would be our recommendation that the Mitigation Plantings Bond be released.

Should you find any information contrary to this recommendation, or if there are any questions, please feel free to contact me directly.

JMC/dc

Enclosures

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BRYNWOOD HOLDINGS LLC
505 Fifth Avenue, 22nd Floor
New York, New York 10017

July 15, 2020

Town of North Castle
Attn: Adam Kaufman, AICP
15 Bedford Road
Armonk, New York 10504

RE: **Brynwood Golf Course Project**
568 Bedford Road, Armonk, New York
Section 101.02, Block 1, Lot 28

Dear Adam,

In connection with the Brynwood Golf Course Project, Brynwood Partners LLC (the "Property Owner") was required to provide the Town of North Castle with a letter of credit in the amount of \$56,250.00. The purpose of providing such letter of credit was to ensure completion of mitigation plantings, as described in the Town resolution approved March 7, 2016, the Memorandum of Kellard Sessions Consulting LLC dated September 14, 2016, and correspondence from the Town Director of Planning dated September 27, 2016 (copies such documents are attached for your reference, and are collectively referred to herein as the "Town Requirements").

In compliance with the Town Requirements, Corigin Real Estate Group (an affiliate of Brynwood Holdings LLC) arranged for Bank United, N.A., to issue its irrevocable letter of credit No. STB20000342 in favor of the Town, as beneficiary (the "LC"). The LC (copy attached) remains in effect through August 18, 2020.

Please be advised that effective as of July 9, 2020, Brynwood Holdings LLC no longer retains an ownership interest in the Property Owner, having conveyed such interest to the remaining partners of the Property Owner. Consequently, Corigin Real Estate Group LLC will not renew or extend the LC past August 19, 2020.

We have arranged with the Property Owner to provide the Town with a replacement letter of credit or other collateral acceptable to the Town.

Upon the Town's receipt of such replacement letter of credit, and in order to enable Bank United to cancel the LC, the Town must send the original LC to Bank United, together with a letter to Bank United stating that the Town is "presenting for cancellation letter of credit # STB20000342 from applicant Corigin Real Estate Group, LLC". This letter, together with the original

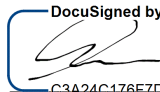
LC, should be sent to the following address: Bank United, N.A., Attn: International Trade Services, 7815 N.W. 148th Street, Miami Lakes, Florida 33016.

Please feel free to contact the undersigned if you have any questions or if you need any additional information. Any future communications from the Town regarding the Brynwood Project should be addressed to the attention of Jeff Mendell, with an address at 16 Hobby Farm Drive Bedford, NY 10506.

Thank you for your cooperation in this matter.

Very truly yours,

Brynwood Holdings LLC

DocuSigned by:

C3A24C176F7D42D...
Greg Gleason
Authorized Signatory
Date: July 15, 2020

cc: Jeffrey B. Mendell
Jerome Hollo
Jeffrey D. Taub, Esq.

BRYNWOOD PARTNERS LLC

c/o Jeffrey B. Mendell
16 Hobby Farm Drive
Bedford, New York 10506

August 18, 2020

BY HAND &

Email: rbaroni@sbrelllaw.com

Roland A. Baroni, Jr., Esq.
North Castle Town Attorney
c/o Stephens Baroni, Reilly & Lewis LLP
175 Main Street, Suite 800
White Plains, New York 10601

RE: **Brynwood Golf Course Project**
568 Bedford Road, Armonk, New York
Section 101.02, Block 1, Lot 28

Dear Mr. Baroni:

This will follow up on our recent conversation regarding the letter of credit issued for the benefit of the Town of North Castle in connection with the Brynwood Golf Course Project. Brynwood Partners LLC provided the Town of North Castle with a letter of credit in the amount of \$56,250.00; the purpose of providing such letter of credit was to assure completion of certain mitigation plantings, as described in the Town resolution approved March 7, 2016, the Memorandum of Kellard Sessions Consulting LLC dated September 14, 2016, and correspondence from the Town Director of Planning dated September 27, 2016 (collectively, the "Town Requirements").

In compliance with the Town Requirements, Corigin Real Estate Group (an affiliate of Brynwood Partners LLC) arranged for Bank United, N.A., to issue its irrevocable letter of credit No. STB20000342 in favor of the Town, as beneficiary (the "LC"). The LC (copy attached) remains in effect through August 18, 2020.

In order to provide the Town with replacement collateral for the LC, I am enclosing a bank check in the amount of \$56,250.00, payable to "Town of North Castle". You have advised me that if we post replacement collateral in the form of a cash deposit, that we describe what the cash is for, and the events which would trigger its draw down or return.

Accordingly, this will confirm the following: (1) the cash deposit of \$56,250 is intended to replace the collateral evidenced by the LC; and (2) the events which would trigger its draw down would be a determination by the Town (on reasonable notice to the undersigned) that Brynwood Partners LLC has failed to perform or maintain wetland mitigation work/plantings as required under that certain resolution granting site plan approval, wetlands permit, steep slope permit and tree removal permit to Brynwood Partners, adopted

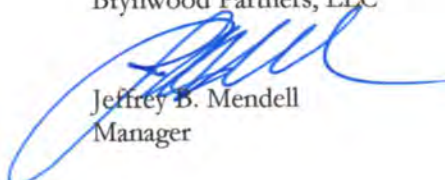
by the Town of North Castle Planning Board on March 7, 2016; and (3) events that would trigger the return of the cash deposit would be either (i) a determination or agreement by the Town of North Castle that Brynwood Partners LLC has satisfied its obligations under the March 7, 2016 Planning Board resolution and that the collateral is no longer required, or (ii) a written agreement between the Town and Brynwood Partners LLC authorizing the release of all or a portion of the cash collateral, or (iii) the termination of the wetlands permit, steep slope permit and tree removal permit to Brynwood Partners, adopted by the Town of North Castle Planning Board on March 7, 2016.

Assuming that the posting of cash collateral on the terms described above is acceptable to the Town, in order to enable Bank United to cancel the LC, the Town must send the original LC to Bank United, together with a letter to Bank United stating that the Town is "presenting for cancellation letter of credit # STB20000342 from applicant Corigin Real Estate Group, LLC". This letter, together with the original LC, should be sent to the following address: Bank United, N.A., Attn: International Trade Services, 7815 N.W. 148th Street, Miami Lakes, Florida 33016. Please confirm that you will send such a letter to Bank United.

Please feel free to contact the undersigned if you have any questions or if you need any additional information. Any future communications from the Town regarding the Brynwood Project should be addressed to the undersigned.

Thank you for your cooperation in this matter.

Very truly yours,
Brynwood Partners, LLC




Jeffrey B. Mendell
Manager

enclosure

MEMORANDUM

TO: North Castle Planning Board

CC: North Castle Town Board
Adam Kaufman, AICP
Roland Baroni, Esq.
Peter J. Wise, Esq.
Bonnie Von Ohlson, RLA
Paul Sysak, RLA
Jay Fain

FROM: Joseph M. Cermele, P.E., CFM 
Kellard Sessions Consulting, P.C.
Consulting Town Engineers

DATE: September 14, 2016

RE: Wetland Mitigation Plantings Bond
Brynwood Subdivision and Golf Course Site
568 Bedford Road
Section 101.02, Block 1, Lot 28

The proposed site improvements for the Brynwood Golf Course Site, located on 568 Bedford Road, include Phase 1 of the redevelopment of the property – the reconstruction and reconfiguration of the golf course, pond dredging, stormwater quality and mitigation systems, wetland mitigation planting, maintenance and monitoring as a result of the proposed disturbances. In accordance with the Site Plan, Wetlands Permit, Steep Slope Permit, and Tree Removal Permit Approvals Resolution, dated March 7, 2016, the applicant is required to post a Mitigation Plantings Bond to ensure completion of the mitigation plantings, as well as to maintain said plantings for a period of five (5) years.

Typically, these fees are determined by a cost estimate, whereby the owner completes a quantity take-off of the improvements and applies a unit price to each item. The unit prices are consistent for all projects within the Town.

The purpose of the unit price methodology in preparing the Bond is to obtain an estimated total cost for the completion of all improvements associated with the project. Each line item is not to

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be considered individually, but rather an integral part of the entire cost estimate. When the applicant prepares the Bond, it is important to note that the value of the Bond is for the total price, not the individual line items. A copy of the approved "Plant Lists for Brynwood Permit Set Mitigation with Estimate Costs", prepared by Jay Fain & Associates, LLC dated July 12, 2016, is attached for your reference.

Based upon the above, we would recommend a Bond for the construction of the proposed Wetland Mitigation Plan in the amount of \$49,500.00 ($\$45,000.00 + 10\%$).

Similarly, we would recommend a second bond for the 5-year maintenance plan in amount of \$6,750.00 ($\$45,000.00 \times 15\%$).

If there are any questions, please do not hesitate to contact this office.

JMC/dc

Enclosure

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3.7.2016 Rev. 4.25.16 per Kellard memo. Rev 7.12.16 re typos

Plant lists for Brynwood permit set mitigation with estimated costs.

PLANT LIST FOR DETENTION BASINS AT HOLE 7 & SWALE

Quan.	Sym.	Botanical/ Common Name	Size/ Root	Remark	Unit cost	Extended cost
UNDERSTORY TREES						
3	AG	Amelanchier x grandifolia 'Autumn Brilliance'	8-10' Clump/ BB		195	585
3	CF	Cornus florida/ Flowering Dogwood	2-2½" Cal. / BB		210	630
SHRUBS						
10	Co	Cephalanthus occidentalis/ Buttonbush	3 gal	Saturated soils	22	220
20	Ca	Clethra alnifolia/ Sweetpepper Bush	3 gal		20	400
10	Ixv	Ilex verticillata/ Winterberry	3 gal		20	200
GRASSES						
10 lbs		New England Erosion Control/Restoration Mix for Detention Basins and Moist Sites- www.newp.com	1 lb per 1250sf.	swale, det. basins, exposed soil from invasive removals	125	1250
Not including other det. Basins=12,500 sf x .25 to seed =3,125 labor plus 1250 seed =\$4,375						
Subtotal on plants at wholesale= 2,035 x 2.5 for install/ warranty= \$5,088						

PLANT LIST FOR PLAYOVER AREA

Quan.	Sym.	Botanical/ Common Name	Size/ Root	Remark	Unit cost	Ext. cost
SHRUBS						
70	Ca	Clethra alnifolia'Crystallina'/ Sweetpepper Bush	3 gal	compact	20	1400
50	Cs	Cornus sericea / Red Twig Dogwood	5 gal	riparian	24	1200
60	Iv	Itea virginica ' Little Henry' /Virginia Sweetspire	3 gal.	Low/ compact	18	1080
55	Lb	Lindera benzoin /Spicebush	3 gal		18	990
GRASSES						
100	Sb	Schizachyrium scoparium/	1 gal	Group	7	700

		Little Bluestem ' The Blues'		planting		
12lbs		Fescue seed- Jacklins Scottish Links Mix	6 lbs per 1000 sf.	Edge of planting	.25per sf	500
5370 plants x 2.5 install/ warranty= 13,425 plus seeding at 500 = \$13,925						

PLANT LIST FOR RIPARIAN MITIGATION

Quan.	Sym.	Botanical/ Common Name	Size/ Root	Remark	Unit cost	Ext. cost
SHRUBS						
17	Ai	Alnus incana / Speckled Alder	3 gal	riparian	20	340
10	Co	Cephalanthus occidentalis/ Buttonbush	3 gal	Saturated soils	22	220
10	Ixv	Ilex verticillata / Winterberry	5 gal		28	280
23	Lr	Leucothoe racemosa/ Fetterbush	3 gal	low	26	598
10	Sd	Salix discolor/ Pussywillow	5 gal	riparian	26	260
10	Ss	Salix sericea/ Silky Willow	5 gal	riparian	26	260
PERENNIALS						
100		Osmunda cinnamomea/Cinnamon Fern	1 gal.	riparian	6	600
2,558 plants x 2.5 install and warranty = \$6,395						

PLANT LIST FOR EDGE ENHANCEMENT BY HOLE 2

Quan.	Sym.	Botanical/ Common Name	Size/ Root	Remark	Unit cost	Ext cost
UNDERSTORY TREES						
6	CF	Cornus florida/ Flowering Dogwood	2-2½" Cal. / BB		210	1260
6	CP	Crataegus phaenopyrum/ Washington Hawthorn	2-2½" Cal. / BB		195	1170
SHRUBS						
25	Vn	Viburnum nudum ' Winterthur' / Witherod	5 gal	edges	30	750
3,180 plants x 2.5 install and warranty = \$7,950						

PLANT LIST FOR EMERGENT SHELVES PONDS 1, 2 AND 3A

Quan.	Sym.	Botanical/ Common Name	Size/ Root	Remark	Unit cost	Ext cost
EMERGENT FORBS- 2 " plug typically at 3' oc						
350		Carex comosa/ Bearded Sedge	2 "plugs	0-6 " depth	1	350
350		Iris versicolor / Blue Flag Iris	2 "plugs	0-6"depth	1	350
350		Juncus effusus/ Canada Rush	2 "plugs	0-6"depth	1	350

350		Pontederia cordata/ Pickerelweed	2 “plugs	18-36” depth	1	350
350		Sagittaria latifolia / Arrowhead	2 “plugs	6-18”depth	1.5	525
350		Schoenoplectus acutus / Hard-stem Bulrush	2 “plugs	18-36”depth	1	350
350		Schoenoplectus tabernaemontani / Soft-stem Bulrush	2 “plugs	6-18”depth	1	350
2,625 plants x 2.5 install = \$6,562.6						

COST per AREA

Mitigation areas:

Detention mix hole 7 and swale = \$4,375

Plants hole 7 = \$5,088

Play-over hole = \$13,925

Riparian corridor = \$6,395

Emergent shelves = \$6,563

Hole 2 edge = \$7,950

MITIGATION AREAS TOTAL =

\$44,296 say \$45,000

Subtotal = \$45,000

Contingency@ 10 % = \$4,500

Total = \$49,500

Maintenance Bond: 15% of \$45,000= \$6,750