

PUBLIC HEARINGS

March 22, 2023

At 8:22 p.m. Supervisor Schiliro stated that Public Hearings would be held regarding The Summit Club at Armonk in accordance with the Public Notices that follow:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on March 22, 2023, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider a Local Law to amend Section 355-32B, Zoning, of the Code of the Town of North Castle; Re property known as 568 Bedford Road, Armonk, NY, and known on the North Castle Tax Maps as 101.02-1-28.1 and located within the GCCFO (Golf Course Community Floating Overlay) Zoning District, property owned by Summit Club Partners LLC (formerly known as Brynwood Partners LLC), to permit the public use of the golf club while the residential units are being constructed.

The proposed Local Law is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Alison Simon, Town Clerk

Dated: March 8, 2022
Armonk, NY

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on March 22, 2023, at 7:30 PM, or as soon thereafter as practical, at Town Hall, 15 Bedford Road, Armonk, NY 10504, to consider the Special Use Permit (SUP) Application of Summit Club Partners LLC (formerly known as Brynwood Partners LLC), the owner of the property known as 568 Bedford Road, Armonk, NY, and known on the North Castle Tax Maps as 101.02-1-28.1 and located within the GCCFO (Golf Course Community Floating Overlay) Zoning District, to operate the Summit Golf Club, proposed maintenance building, and to allow public use of the golf course while the residential units are being constructed.

The Special Use Permit (SUP) application is available in the Town Clerk's office during regular business hours and on the Town website. ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO ATTEND AND BE HEARD.

By Order of the Town Board
Alison Simon, Town Clerk

Dated: March 8, 2022
Armonk, NY

The Town Clerk noted that the following documents were in order for the Public Hearings:

The Public Notice was marked Exhibit "A" for the record.

The Affidavit of Posting calling the Public Hearing was marked Exhibit "B" for the record.

The Affidavit of Publication from The Journal News calling the Public Hearing was marked Exhibit "C" for the record.

Certificate of Mailing of Notice of Hearing to adjacent property was marked Exhibit "D" for the record.

Jack Palmerton of HydroEnvironmental Solutions, Inc. (HES) was present to address any potential concerns regarding the water supply for the Summit Club.

Mark Weingarten, attorney for the applicant, outlined the history of the project and explained that the applicant has the following goals to move the project forward at this time:

The applicant needs a new temporary Special Use Permit (SUP) in order to continue to operate a limited golf club for the 2023 spring and summer season. The temporary SUP issued by the Town Board on February 24, 2021 expired. The applicant requested that the new temporary SUP include permission to allow public use of the golf course while the residential units are being constructed, which will remain in effect until the last certificate of occupancy is issued for the housing development. Mr. Weingarten explained that, before the applicant may obtain this temporary SUP, the Town Board must amend the Local Law to allow public use of the golf course while the residential units are being constructed. Mr. Weingarten stated that the applicant intends to convert this temporary SUP into a permanent SUP once the Planning Board approves the site plan for the proposed maintenance storage facility.

In addition, the applicant requested a waiver of recreation fees for the Summit Club residential community market rate housing units in consideration of the on-site recreational facilities that will be available to community residents. The applicant also requested that the Town Board set the recreation fee of \$1,000 per affordable housing (AFFH) unit, as tenants in these units are not required to join the Summit Club and will therefore likely use the Town's recreational facilities.

The applicant requested that the Board approve the form of Conservation Easement.

Note: Minutes of the Public Hearing regarding the Conservation Easement and Declaration of Restrictive Covenants, held March 22, 2023, follow at the end of these minutes.

Ken Anderson, of Granoff Architects shared the residential and recreational site plans.

Discussion ensued regarding the location of the AFFH units for this development. Mr. Anderson stated that these units are currently included on-site mixed in with the market rate units. Mr. Weingarten stated that the applicant preferred to move the AFFH units off-site.

Resident Michael Fareri stated that if the units remained on-site, and were at least 80 percent of the size of the market rate units, as required by Town law, these units would be much larger than most of the AFFH units available in other developments in Town. He stated this would be unfair to other developers in Town. Director of Planning Adam Kaufman stated that if the AFFH units are off-site, they would not have to adhere to the 80 percent requirement, instead they would revert to the Town's minimum requirements regarding square footage.

In regard to allowing the golf course to be open to the public, all of the Board members agreed that this was a reasonable request. Mr. Weingarten confirmed that public use of the golf course would be allowed while the residential units are being constructed and up and until the last certificate of occupancy is issued for the Summit Club housing development.

Councilman José Berra recommended a five-year term limit to the SUP. The rest of the Board did not agree.

Councilman Matt Milim expressed concerns that the public will come from all over to play to which Mr. Weingarten explained that the current members come from everywhere and that they will have to manage problems in order to maintain the club.

Discussion ensued regarding tax revenue the Town will receive once the property is developed. There was a significant discrepancy in the amount the applicant suggested the Town would receive compared to the calculations made by the Board. Councilmen Milim and Berra expressed reasons for their opposition to condo taxation.

In regard to the applicants request to waive the recreation fees for the Summit Club residential community market rate housing units, Councilman Milim suggested a reduction in fees. Mr. Milim reasoned that, although on-site recreational facilities will be available to residents, they will likely still use Town recreational facilities. He also stated that, in the November 6, 2019

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March 22, 2023

Community Benefits Agreement referenced in the applicant's memo, the Town Board acknowledged that the Planning Board can implement a reduced recreation fee, but not eliminate it. Mr. Milim added that it would be unfair to eliminate recreation fees for this project while requiring them for other developments in Town.

Mr. Weingarten stated that the Findings Statement created by the Lead Agency did not indicate a recreation fee and therefore it may not legally be imposed. He further commented that the applicant requests the elimination of fees since expenses associated with this project have been exorbitant.

Mr. Baroni indicated his recollection that the Town Board recommended to the Planning Board that the recreation fees be reduced. As a member of the Town Board at the time, Supervisor Schiliro agreed the Town Board recommended a reduction in fees.

It was established that current Town imposed recreation fees are \$3,500 per multi-family market rate unit and \$1,000 per AFFH unit.

Supervisor Schiliro stated the Board would not make a decision on the recreation fees at this time.

Supervisor Schiliro strongly disagreed with comments made that the Town Board is slowing down progress of development projects in Town.

After all persons were heard who desired to be heard, Councilman DiGiacinto moved, seconded by Councilman Hussain, that the Public Hearings be closed at 9:55 p.m.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Hussain, the adoption of Local Law 3 of 2023, to amend the Code of the Town of North Castle by amending Chapter 355 entitled Zoning, Section 355-32.B, with respect to temporary public use of the golf course and related facilities of a membership club affiliated with a golf course community. The Local Law follows at the end of these minutes.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

Councilman DiGiacinto moved, seconded by Councilman Hussain, approval of the temporary Special Use Permit (SUP) of Summit Club Partners LLC, the owner of the property known as 568 Bedford Road, Armonk, NY, and known on the North Castle Tax Maps as 101.02-1-28.1 and located within the GCCFO (Golf Course Community Floating Overlay) Zoning District, to operate the Summit Club, and to allow public use of the golf course while the residential units are being constructed.

The roll call vote was as follows:

Ayes: Councilmen DiGiacinto, Berra, Hussain, Milim, Supervisor Schiliro

Noes: None

Alison Simon, Town Clerk

Dated: April 10, 2023

TOWN OF NORTH CASTLE

**Local Law No. 3 For the Year 2023
Adopted March 22, 2023**

A Local Law to amend the Code of the Town of North Castle by amending Chapter 355 entitled Zoning, Section 355-32.B, with respect to temporary public use of the golf course and related facilities of a membership club affiliated with a golf course community.

Section 1. Amend Section 355-28.B to read in its entirety as follows:

Eligibility, procedure and boundaries. The owner of one or more lots and/or parcels of land in the R- 2A District having an aggregate minimum area of 150 acres and at least 1,000 feet of frontage on, and direct access from, a state highway, and on which an eighteen-hole golf course exists on the date of adoption of this section (the “eligible land”), may petition the Town Board to map the GCCFO District, but only on the portion of the eligible land located more than 100 feet from the perimeter property boundaries of the eligible land, it being the intent of the Town Board that the portion of the eligible land not mapped as GCCFO District shall be a buffer area and shall be used only for golf course uses, including access driveways and accessory parking, permitted in the R-2A District. The boundaries of a GCCFO District shall be fixed by amendment to the Town Zoning Map in accordance with the procedure set forth in § 355-80 of this chapter. The affiliated membership club shall be required to meet all membership club Special Use Permit (SUP) requirements pursuant to Article VII of this chapter via the issuance of a Town Board Special Use Permit (SUP). The affiliated membership club shall also require Planning Board site plan approval pursuant to Article VIII of this chapter. Notwithstanding any provision of Article II or Article VII of this chapter, a Special Use Permit (SUP) for the affiliated membership club may permit temporary public use of the golf course and related facilities during construction of the residences of the golf course community, on reasonable terms and conditions determined by the Town Board.

Section 2. Conflicting Standards.

Where the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of North Castle, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 3. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law that can be given effect without such invalid part or parts.

Section 4. Effective Date.

This Local Law shall take effect immediately upon its adoption and filing with the Secretary of State.

Dated: March 22, 2023

On a motion made by Councilman Barbara DiGiacinto and seconded by Councilman Saleem Hussain, the following resolution was adopted:

R E S O L U T I O N

Action:	Temporary Special Use Permit (SUP) Approval for a Membership Club
Application Name:	Summit Club Temporary Special Use Permit (SUP)
Applicant/Owner:	Summit Club
Zone:	GCCFO District - Golf Course Community Floating Overlay District
Location:	568 Bedford Road
Date of Approval:	March 23, 2023
Expiration Date:	September 23, 2023

WHEREAS, the Town Board has received an application for a 500-member golf club and related facilities, golf outings, social events, 10 guest cottages, and a children's summer camp; and

WHEREAS, the Applicant has not fully developed the plans for the full build-out of the club; and

WHEREAS, the Applicant wishes to operate a limited golf club on the property for the 2023 golf season; and

WHEREAS, adopting a temporary Special Use Permit (SUP) and permitting the limited operation of the club will allow use of the existing golf facility while the Town Board and Planning Board review the requested full Special Use Permit (SUP) request; and

WHEREAS, the temporary golf club Special Use Permit (SUP) would be limited to the operation of the golf course with a maximum of 300 members, a trailer with golf course offices and a proshop, a kitchen trailer, a bathroom trailer, a tented food and beverage facility, and a patio with fire pits; and

WHEREAS, pursuant to 355-28.B of the Town Code, the Applicant has asked permission to permit the temporary public use of the golf course and related facilities until the last Certificate of Occupancy is issued relating to the construction of the residences of the golf course community; and

WHEREAS, approval of a Membership Club requires the issuance of a Special Use Permit (SUP) by the Town Board; and

WHEREAS, on November 14, 2022, the Planning Board reviewed and discussed the project and adopted a positive recommendation (4-0) that the Town Board adopt a temporary Special Use Permit (SUP) that would permit the Applicant to operate a golf club with the requested temporary facilities; and

WHEREAS, the application for Special Use Permit (SUP) 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; and

WHEREAS, a duly advertised public hearing on said application was conducted on March 22, 2023, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, § 355-37 of the North Castle Code establishes certain general standards for all special permit uses; and

WHEREAS, in order for the Town Board to approve a Special Use Permit (SUP), the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 355-37(A) of the Town Code, in order to grant a special permit, the Town Board must find that “the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in” the Town Code; and

WHEREAS, the subject property is located within the R-2A and GCCFO Zoning Districts; and

WHEREAS, the Club is proposing relatively minor temporary facilities and a golf club; and

WHEREAS, the Town Board and Planning Board have studied the proposed club and have determined that the club is compatible with the neighborhood and surrounding residential character; and

WHEREAS, based upon the submitted information, while the club is visible from the road and surrounding properties, the Town Board finds that the proposed club would not have a significant negative visual impact; and

WHEREAS, the Town Board, based upon its review of the entire record, finds that the location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all requirements for such use established in the Town Code; and

WHEREAS, pursuant to § 355-37(B) of the Town Code, the second criteria for the issuance of a special permit is that “the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings;” and

WHEREAS, the Town Board, based upon its review of the entire record finds that the location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of the adjacent land and buildings; and

WHEREAS, pursuant to § 355-37(C), the third requirement for the issuance of a special permit is that “operations in connection with any special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit;” and

WHEREAS, the proposed uses will be the same (or less than) as in previous years where the golf club was in operation; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the operations in connection with this special permit use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit; and

WHEREAS, pursuant to § 355-37(D) of the Town Code, the Town Board, in order to grant a special permit, must find that “parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety;” and

WHEREAS, the site plan depicts an adequate number of off-street parking spaces for members and staff; and

WHEREAS, the Town Board, based upon its review of the entire record finds that the proposed parking areas are of adequate size for the proposed use, properly located and suitably screened from adjoining residential uses, and the entrance and exit driveways are laid out so as to achieve maximum convenience and safety; and

WHEREAS, pursuant to § 355-37(E) of the Town Code, the fourth criteria for the issuance of a special permit is compliance “where required, [with] the provisions of the Town Flood Hazard Ordinance;” and

WHEREAS, no development is proposed within the floodplain; and

WHEREAS, the Town Board, based upon its review of the entire record finds that development is not proposed within the floodplain; and

WHEREAS, pursuant to § 355-37(F), it is required that “the Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment;” and

WHEREAS, § 355-40.I of the North Castle Code establishes certain specific standards for all Membership Club special permit uses; and

WHEREAS, in order for the Town Board to approve a Special Use Permit (SUP), the Town Board must find that all of the conditions and standards have been met; and

WHEREAS, pursuant to § 213-33.I(2) of the Town Code where clubs do not front on or have direct access to a major or a collector road as shown on the Town Development Plan Map, the intensity of use shall be limited by the Town Board to the extent necessary to assure that the excepted average traffic generation of such use will not exceed that which would be expected if the premises were developed for permitted residential purposes; and

WHEREAS, the Town Board finds that the club has direct access to a major or collector road as shown on the Town Development Map (NYS Route 22); and

WHEREAS, pursuant to § 355-40.I(3) of the Town Code 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; and

WHEREAS, the Town Board finds that the existing screening of the club is adequate; and

WHEREAS, pursuant to § 355-40.I(4) of the Town Code all active recreational facilities, such as tennis courts and swimming pools, shall be located out of doors; and

WHEREAS, the proposal does not involve the operation of any recreational facilities (other than the golf course); and

WHEREAS, the Town Board, as Lead Agency, adopted a Statement of Environmental Findings on April 22, 2015; and

NOW THEREFORE BE IT RESOLVED, that this temporary special permit shall be deemed to authorize only the particular use or uses specified in the permit and shall expire on September 23, 2023 or if all conditions and standards are not complied with throughout the duration of the use; and

BE IT FURTHER RESOLVED, that the special permit be, and it hereby is, approved, subject to the conditions set forth below:

Conditions:

1. The club shall be limited to a maximum of 300 members.
2. The Applicant shall obtain Planning Board site plan approval.
3. The plans for the temporary structures shall be forwarded to the Building Department so that they may review the plan for conformance with the NYS Building Code.

- 4. Compliance with all applicable Local Laws and ordinances of the Town of North Castle.
- 5. Pursuant to Section 355-40.I(5) of the Town Code, the use and management of any facility under the terms of any special permit approval shall be the responsibility of the membership club. Suitable evidence, such as organizational documents, shall be provided to the Town Clerk describing the organizational structure and operating rules of the club.
- 6. The temporary public use of the golf course and related facilities shall be permitted until the last Certificate of Occupancy is issued relating to the construction of the residences of the golf course community.

COUNCILMAN DiGIACINTO	VOTING	AYE
COUNCILMAN BERRA	VOTING	AYE
COUNCILMAN HUSSAIN	VOTING	AYE
COUNCILMAN MILIM	VOTING	AYE
SUPERVISOR SCHILIRO	VOTING	AYE