

PUBLIC HEARING

February 24, 2021

At 8:00 p.m. Supervisor Schiliro stated that a Public Hearing would be held in accordance with the Public Notice that follows:

NOTICE IS HEREBY GIVEN THAT the North Castle Town Board will hold a Public Hearing on February 24, 2021, 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 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, for approval of a temporary special use permit for 2021 and 2022 that would permit the Applicant to operate a 300 member golf club with temporary facilities and limited operation.

The special use permit 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: February 13, 2021
Armonk, NY

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.

Application documents, including letter from Peter Wise, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated January 6, 2021, were marked Exhibit "D" for the record.

Letter from Director of Planning Adam Kaufman, dated January 26, 2021, regarding positive recommendation from the Planning Board was marked Exhibit "E" for the record.

The Town Clerk noted that the certificates denoting mailing of Notice of Hearing to adjacent property owners were in order.

The Town Clerk noted there was a proposed Resolution of approval for consideration.

Councilman Reiter moved, seconded by Councilman Berra, receipt of letter from the Westchester County Planning Board, dated February 19, 2021.

The roll call vote was as follows:

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

Noes: None

Mark Weingarten, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, representing Summit Club Partners LLC, and Jeff Mendell, principal, Summit Club Partners LLC, appeared before the Board via web conference and provided a brief summary regarding this Special Use Permit Application.

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In response to questions from Councilman Berra, Mr. Mendell explained that corporate memberships are a small component of the membership program for the Club, and that each corporate membership will be limited to a specific number of executives.

Town Clerk Alison Simon read aloud an email from resident Garrett Kennedy, dated February 24, 2021.

After all persons were heard who desired to be heard, Councilman Berra moved, seconded by Councilman DiGiacinto, that the Public Hearing be closed at 8:13 p.m.

The roll call vote was as follows:

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

Noes: None

Councilman Reiter moved, seconded by Councilman DiGiacinto, approval of the Special Use Permit Application of Summit Club Partners LLC (formerly known as Brynwood Partners LLC), of a temporary special use permit for 2021 and 2022 to permit the Applicant to operate a 300 member golf club with temporary facilities and limited operation. The Resolution follows at the end of these minutes.

The roll call vote was as follows:

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

Noes: None

Alison Simon, Town Clerk

Dated: March 4, 2021

RESOLUTION

Action: Temporary Special Use Permit Approval for a Membership Club
Application Name: Summit Club Temporary Special Use Permit
Applicant/Owner: Summit Club
Zone: GCCFO District - Golf Course Community Floating Overlay District
Location: 568 Bedford Road
Date of Approval: February 24, 2021
Expiration Date: December 31, 2022

WHEREAS, the Town Board has received an application for a 600 member golf club and related facilities, amenities building, catering events for 300 people, 12 tennis courts that may be enclosed, 20 guest suites, indoor and outdoor music, 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 2021 and 2022 golf seasons;

WHEREAS, adopting a temporary special use permit 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 request; and

WHEREAS, the temporary golf club special use permit 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, approval of a Membership Club requires the issuance of a special use permit by the Town Board; and

WHEREAS, on January 25, 2021, 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 for 2021 and 2022 that would permit the Applicant to operate a 300 member golf club with the requested temporary facilities; and

WHEREAS, the application for special use permit 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 February 18, 2021; and

WHEREAS, a duly advertised public hearing on said application was conducted on February 24, 2021, 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, 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 300 golf club membership; and

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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, the Town Board must find that all of the conditions and standards have been met; and

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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 expected 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 December 31, 2022 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.