



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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PLANNING BOARD
Christopher Carthy, Chair

RESOLUTION

Action: Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals
Application Name: Summit Club Residential Project [2020-051]
Owner/Applicant: SUMMIT CLUB PARTNERS LLC
Designation: 101.02-1-28.2
Zone: R-2A & GCCFO Zoning Districts
Acreage: 26.34 acres
Location: 570 Bedford Rd
Original Date of Approval: August 7, 2023
Original Expiration Date: August 7, 2024 (1 year)
Amended Date of Approval: January 22, 2024
Amended Expiration Date: January 22, 2025

WHEREAS, an application for site plan approval was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "LC," entitled "Cover-Landscape," dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled "LS 100.0," entitled "Overall Site Plan – Phase 1," dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled "LS 100.1A," entitled "Overall Site Plan – Southern Development," dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled "LS 100.1B," entitled "Overall Site Plan – Northern Development," dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled "LS 100.2," entitled "Site Details," dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled "LS 101.0," entitled "Amenities Building – Masonry Layout Plan," dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled "LS 101.1," entitled "Amenities Building – Planting Plan," dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled "LS 101.2," entitled "Amenities Building – Pool Fencing Plan," dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled "LS 101.3," entitled "Amenities Building – Details," dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.

***Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for
Summit Club Residential Project [2020-051]***

January 22, 2024

Page 2 of 18

- Plan labeled “LS 101.4,” entitled “Amenities Building – Pool Deck Elevations,” dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled “LS 102,” entitled “Main Entry – Planting Plan,” dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled “LS 103.1,” entitled “Residential Building – Typical Planting Plan,” dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled “LS 104,” entitled “Detention Basin Planting Plan,” dated January 30, 2023, last revised July 24, 2023, prepared by Granoff Architects.
- Plan labeled “C-000” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-010,” entitled “Overall Existing Conditions Map,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-011,” entitled “Existing Conditions Map (South),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-012,” entitled “Existing Conditions Map (North),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-020,” entitled “Site Demolition & Tree Removal Plan (South),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-021,” entitled “Site Demolition & Tree Removal Plan (North),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-022,” entitled “Site Tree Removal Table,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-100A,” entitled “Overall Site Layout and Phasing Plan,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-100,” entitled “Site Layout Plan (South),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-101,” entitled “Site Layout Plan (North),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-102,” entitled “Fire Truck Access Plan,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

***Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for
Summit Club Residential Project [2020-051]***

January 22, 2024

Page 3 of 18

- Plan labeled “C-103,” entitled “Utility Complex Plans,” dated March 28, 2022, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-200,” entitled “Site Grading Plan (South),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-201,” entitled “Site Grading Plan (North),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-202,” entitled “Road Profiles Plan,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-300,” entitled “Site Utilities Plan (South),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-301,” entitled “Site Utilities Plan (North),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-302,” entitled “Sanitary Sewer Profile,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-303,” entitled “Water Main Profile,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-304,” entitled “Storm Sewer Profiles,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-305,” entitled “Storm Sewer Profiles,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-400,” entitled “Site Erosion & Sediment Control Plan (South),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-401,” entitled “Site Erosion & Sediment Control Plan (North),” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-402,” entitled “Erosion & Sediment Control/Phasing Notes,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

***Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for
Summit Club Residential Project [2020-051]***

January 22, 2024

Page 4 of 18

- Plan labeled “C-900,” entitled “Construction Details,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-901,” entitled “Construction Details,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-902,” entitled “Construction Details,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-903,” entitled “Construction Details,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-904,” entitled “Construction Details,” dated January 10, 2022, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-905,” entitled “Construction Details,” dated May 9, 2022, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “PSP-1,” entitled “Preliminary Subdivision Plat,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “IPP-1,” entitled “Integrated Plot Plan,” dated November 23, 2020, last revised July 24, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “SL-1A,” entitled “Exterior Lighting Photometric Calculation Phase I,” dated October 19, 2022, prepared by Apex Lighting Solutions.
- Razar Series Lighting Cut Sheets prepared by US Architectural Lighting.
- Summit Club Blasting Plan dated October 21, 2022, prepared by Lasberg Construction Associates, Inc.
- Summit Club Preliminary Rock Crushing Plan dated October 21, 2022, prepared by Lasberg Construction Associates, Inc.
- Plan labeled “LS102.1,” entitled “Entry Signage,” dated March 28, 2022, last revised May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-100,” entitled “Parking Level,” dated July 24, 2023, prepared by Granoff Architects.
- Plan labeled “A-101,” entitled “First Floor Plan,” dated July 24, 2023, prepared by Granoff Architects.
- Plan labeled “A-102,” entitled “Second Floor Plan,” dated July 24, 2023, prepared by Granoff Architects.

***Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for
Summit Club Residential Project [2020-051]***

January 22, 2024

Page 5 of 18

- Plan labeled “A-103,” entitled “Third Floor Plan,” dated July 24, 2023, prepared by Granoff Architects.
- Plan labeled “A-400,” entitled “Building Elevations,” dated July 24, 2023, prepared by Granoff Architects.
- Plan labeled “A-401,” entitled “Building Elevations,” dated July 24, 2023, prepared by Granoff Architects.
- Plan labeled “A-100,” entitled “Pool Deck Level Plan,” dated July 24, 2023, prepared by Granoff Architects.
- Plan labeled “A-101,” entitled “Gym Level Plan,” dated July 24, 2023, prepared by Granoff Architects.
- Plan labeled “A400,” entitled “Building Elevations,” dated July 24, 2023, prepared by Granoff Architects.
- Plan labeled “A401,” entitled “Building Elevations,” dated July 24, 2023, prepared by Granoff Architects.
- Plan labeled “A402,” entitled “Pool Bar Plans & Elevations,” dated July 24, 2023, prepared by Granoff Architects.

WHEREAS, the site plan application contemplates the construction of 72 residential units containing 180 bedrooms in six buildings; and

WHEREAS, seven of the units will be will be AFFH units; and

WHEREAS, in June of 2015 the Town Board adopted a new Golf Course Community Floating Overlay District ("GCCFO District") and mapped it to the Brynwood Country Club property (the “Property”) which permits the Property to be developed with a residential community having up to seventy three dwelling units; and

WHEREAS, page 30 of the Comprehensive Plan states that the Golf Course Community Floating Overlay District (GCCFO) has been placed on the Property and permits the development of a residential community designed for active adults with affiliated membership to a club with a golf course and recreational facilities. The intent of this floating zone is to maintain open space resources through the preservation of golf courses; and

WHEREAS, page 126 of the Comprehensive Plan states that several privately owned areas in North Castle provide recreational or open space benefits either to members or the surrounding neighborhoods. The largest of these are country clubs: the 175-acre Whippoorwill Club along Whippoorwill Road and the 155-acre Brynwood Golf and Country Club between Route 22 and I-684. The Golf Course Community Floating Overlay District (GCCFO) was established at the site of the Property as part of an approved project to develop a portion of the Property as a residential community of active adults. The floating zone provides for preservation of most of the Property as a

***Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for
Summit Club Residential Project [2020-051]
January 22, 2024
Page 6 of 18***

gold course or open space; and

WHEREAS, the development site is a 26.43 acre portion of the Property located in the R-2A and GCCFO Zoning Districts and is designated on the Tax Maps of the Town of North Castle as lot 101.02-1-28.2 (the “site”); and

WHEREAS, the Applicant received Architectural Review Board approval on January 18, 2023; and

WHEREAS, the proposed 10 foot tall tennis court fence exceeds the maximum fence height of six Feet; and

WHEREAS, any fence exceeding six feet in height requires a variance from the Zoning Board of Appeals; and

WHEREAS, the Applicant obtained the required variance on August 4, 2022; and

WHEREAS, the SEQRA review of this project concluded with the adoption of a Findings Statement by the Planning Board (and Town Board) in March of 2016; and

WHEREAS, the site plan depicts proposed water well 1 located within the Town-regulated wetland buffer within the golf course; and

WHEREAS, in addition, a water main connection is also located within the Town-regulated wetland buffer; and

WHEREAS, a total of 25 square feet of buffer impact is proposed; and

WHEREAS, given the de minimis impact at the edge of the buffer associated with the proposed disturbance, pursuant to Section 340-5(D) of the Town Code, the Planning Board determined that the requested wetland permit is minor in nature and directed that the permit be processed administratively by the Town Engineer; and

WHEREAS, the site plan depicts 65,300 square feet of Town-regulated steep slope disturbance; and

WHEREAS, the site plan depicts the removal of 266 Town-regulated trees; and

WHEREAS, pursuant to Chapter 225 of the Town Code, the Planning Board determined that a fully suitable recreation area cannot be properly located on the property; and

***Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for
Summit Club Residential Project [2020-051]***

January 22, 2024

Page 7 of 18

WHEREAS, the Planning Board may require a payment to the Town to be placed in a trust fund to be used by the Town Board exclusively for neighborhood park, playground or recreation purposes, including the acquisition of property; and

WHEREAS, the Planning Board finds that a recreation fee of \$1,000/unit would be an appropriate recreation fee to be collected given the amount of proposed open space and on-site recreational amenities; and

WHEREAS, the Town Board adopted an affordable housing local law on May 14, 2014; and

WHEREAS, 10% of the market rate units within the project must be AFFH units; and

WHEREAS, the application was referred to the Westchester County Planning Board (WCPB) pursuant to the requirements of the General Municipal law and Westchester County Administrative Codes; and

WHEREAS, the County provided comments in an July 19, 2021 letter to the Town where the County stated that AFFH units should not be relocated off-site, that additional pedestrian connectivity should be provided, that the site plan should be revised to reduce the proposed number of off-street parking spaces, that the site should contain adequate space for recycling, that the Applicant consider using green building technology, that bicycle and electric vehicle charging be provided and that the Applicant utilize universal design; and

WHEREAS, the site plan has been forwarded to the Chief of Police, Building Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services; and

WHEREAS, the project was referred on June 22, 2021. The Fire Department noted that they have coordinated with the Applicant with respect to fire hydrants, turning radius, stand pipes and sprinklers; and

WHEREAS, the plans were forwarded to the Sewer and Water department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the capacity of the sewer and water infrastructure to handle the proposed amount of effluent and water demand; and
WHEREAS, the Sewer and Water Department has provided significant input upon the design of the water and sewer infrastructure; and

WHEREAS, the issues raised by the Sewer and Water Department will be satisfactorily addressed during the Westchester County Health Department review; and

***Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for
Summit Club Residential Project [2020-051]
January 22, 2024
Page 8 of 18***

WHEREAS, a duly advertised public hearing regarding the site plan was opened on said application on August 1, 2022 and closed on July 10, 2023 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Town Planner regarding the proposed development; 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 requirements of the Zoning Ordinance and the Town of North Castle Comprehensive Plan Update have been met;

NOW THEREFORE BE IT RESOLVED, pursuant to Section 225-5.A of the Town Code, the Planning Board finds that a recreation fee of \$1,000/unit would be an appropriate recreation fee to be collected; and

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

BE IT FURTHER RESOLVED, that this approval 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. Pursuant to Section 355-34.I(5)(b) of the Town Code, within multifamily developments, the affordable AFFH units shall be physically integrated into the design of the development and shall be distributed among various sizes (efficiency, one-, two-, three and four-bedroom units) in the same proportion as all other units in the development. Plan A-101 shall be revised to modify the number of AFFH 3 and 2 bedroom units to match the distribution of market rate units to the satisfaction of the Planning Department. Based upon the market rate units the plan shall depict 4 3-bedroom AFFH units and 3 2-bedroom AFFH units.

Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for Summit Club Residential Project [2020-051]

January 22, 2024

Page 9 of 18

- _____2. The rock crushing plan shall be revised to include the following to the satisfaction of the Town Engineer: Specify the equipment used for rock crushing. Equipment shall have an integrated dust control system. Rock crushing plan shall be limited to the hours of 9 am to 4 pm on weekdays. Rock crushing shall not be permitted on weekends and holidays. The Town Engineer shall determine that the proposed methodology and work plan is acceptable.
- _____3. The Applicant should submit floor plans and elevations for each building. The submitted floor plans and elevations should match those approved by the ARB to the satisfaction of the Planning Department.
- _____4. The Zoning Compliance Chart on Plan C-000 shall be revised to indicate the total lot area (as defined in § 355-4 of the Town Code) (not approximate) of the entire project (residential + golf course) to the satisfaction of the Planning Department.
- _____5. The Zoning Compliance Chart on Plan C-000 and Plan A-102 shall be revised to include a breakdown of each unit type (number of bedrooms) and indicate the number of Density Units associated with each unit to the satisfaction of the Planning Department.
- _____6. The Zoning Compliance Chart on Plan C-000 and Plan A-102 shall be revised to demonstrate that the maximum permitted density does not exceed one density unit, as defined in § 355-4 of the Town Code, per 133,000 square feet of the aggregate total lot area (as defined in § 355-4 of the Town Code) in the GCCFO District and one dwelling unit, as defined in § 355-4 of this chapter, per 1.8 acres of the aggregate total lot area (as defined in § 355-4 of the Town Code) in the GCCFO District to the satisfaction of the Planning Department.
- _____7. The Zoning Compliance Chart on Plan C-000 shall be revised, to the satisfaction of the Planning Department, to demonstrate that all units meet the minimum floor area required in Section 355-32.D(4) of the Town Code.
- _____8. The Applicant shall provide written comments from the Armonk Fire Department confirming that the proposed fire hydrant layout is acceptable to the Armonk Fire Department.
- _____9. Individual domestic and fire service mains servicing the amenities building should include proposed size and type of the service main on the site plans to the satisfaction of the Town Engineer.

- _____10. The Applicant shall address the runoff from the amenity building pool deck and driveway to the satisfaction of the Town Engineer.
- _____11. The 100-year proposed peak runoff for DP-1C-2 differs from Table 1 and Table 4. Please clarify between the two to the satisfaction of the Town Engineer.
- _____12. The Applicant shall revise the drainage map to break down existing/proposed impervious areas within the limits of disturbance, as well as the phased work to the satisfaction of the Town Engineer.
- _____13. The Applicant shall secure an administrative wetland permit from the Town Engineer for the proposed work located with the Town-regulated wetland buffer.
- _____14. The Applicant has indicated that chipping would be required during construction. The Town Engineer shall determine that the proposed methodology and work plan is acceptable.
- _____15. The Town charges a fee in lieu of providing recreation facilities. The Town Board has indicated that given the proposed amount of on-site recreational amenities that a \$1,000/unit recreation fee is appropriate. Therefore, the Applicant shall submit a \$72,000 recreation fee as stated in Chapter 225 of the Town Code.
- _____16. The Phasing Note on Plan C-000 shall be revised to state the following to the satisfaction of the Planning Department:

Phase 1 shall consist of 36 units and Phase 2 shall consist of 36 units. The plans shall note that Phase 2 shall be age restricted to 55 and older unless the aggregate average of the gross sales prices of Phase 1 market rate units is \$700/sq. ft. or more in which event the age restriction can be released at the Applicant's option.

If the AFFH units are on site, no more than 32 market rate CO's can be issued in Phase 1 until CO's have been issued for 4 AFFH units and the Town will not issue more than 33 market rate CO's for Phase 2 market units until CO's have been issued for the remaining 3 AFFH units. If the AFFH units are located offsite, no more than 32 CO's can be issued for Phase 1 market rate units until 4 CO's have been issued for AFFH units and in Phase 2, no more than 33 CO's can be issued for market rate units until 3 CO's have been issued for the remaining AFFH units.
- _____17. The Applicant will need to obtain ARB approval for any proposed entrance signage attached to proposed walls.

Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for Summit Club Residential Project [2020-051]

January 22, 2024

Page 11 of 18

- _____18. The project will result in disturbances greater than one acre. As such, the applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Chapter 267, Stormwater Management of the Town Code to the satisfaction of the Town Engineer. In addition, the project is required to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit, GP-0-20-001 for Stormwater Discharge from Construction Activity. The applicant shall file a Notice of Intent (NOI) with the NYSDEC. A draft copy shall be provided for review to the satisfaction of the Town Engineer. The SWPPP and NOI shall reflect the requirements and conditions of the latest General Permit to the satisfaction of the Town Engineer.
- _____19. The Applicant shall prepare a stormwater management plan that addresses the construction, maintenance and inspection of the features of the stormwater management plan to the satisfaction of the Town Engineer. In addition, the Applicant shall prepare an agreement, in recordable form, to the satisfaction of the Town Attorney, specifying that the property owner shall be responsible in perpetuity for maintenance of the stormwater basins and that the Town of North Castle shall be permitted access, if necessary, to perform maintenance of the features of the stormwater management system.
- _____20. 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 construction of the sanitary sewer and water main infrastructure, the amount of said bond or other security to be determined by the Town Board. Such bond shall be released after completion of the above to the satisfaction of the Town.

In the event that the issuer of the bond 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 plan.

- _____21. All plans shall contain the seal and signature of the preparer to the satisfaction of the Planning Department.

- _____ 22. The Applicant shall submit, as necessary and appropriate, final details to the satisfaction of the Town Engineer of site, final grading and storm drainage, utility connections, sight lines and curbing, parking, driveway and pavement specifications.

- _____ 23. 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.

- _____ 24. Payment of all applicable fees, including any outstanding consulting fees.

- _____ 25. The Applicant shall submit to the Planning Board Secretary one (1) set 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.

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 obtain a NYSDEC SPDES permit approval for the proposed wastewater treatment plant to the satisfaction of the Town Engineer. Notwithstanding the foregoing, the Town Building Inspector may take such actions, including endorsing the building plans or applications, as are required for the Applicant to secure approval from the Office of the New York State Attorney General for a condominium offering plan, provided that no building permit shall be issued until such NYSDEC approvals are received.

- _____ 2. The Applicant shall obtain NYSDEC approval for the proposed water supply to the satisfaction of the Town Engineer. Notwithstanding the foregoing, the Town Building Inspector may take such actions, including endorsing the building plans or applications, as are required for the Applicant to secure approval from the Office of the New York State Attorney General for a condominium offering plan, provided that no building permit shall be issued until such NYSDEC approvals are received.

- _____ 3. The Applicant shall prepare documentation for the formation of a sewer works corporation pursuant to Transportation Corporations Law, including a stock escrow agreement between the corporation and the Town.

***Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for
Summit Club Residential Project [2020-051]***

January 22, 2024

Page 13 of 18

- _____4. The Applicant will need to obtain Town Board Special Use Permit Approval (associated with the golf club) for the proposed location of all sewer and water infrastructure not located on the site to the satisfaction of the Town Engineer.
- _____5. The Applicant shall obtain WCDH approval of all proposed sewer collection and sewer treatment facilities and water supply distribution facilities to the satisfaction of the Town Engineer. Notwithstanding the foregoing, the Town Building Inspector may take such actions, including endorsing the building plans or applications, as are required for the Applicant to secure approval from the Office of the New York State Attorney General for a condominium offering plan, provided that no building permit shall be issued until such WCDH approvals are received.
- _____6. The Applicant shall obtain WCDH realty subdivision approval to the satisfaction of the Town Engineer. Notwithstanding the foregoing, the Town Building Inspector may take such actions, including endorsing the building plans or applications, as are required for the Applicant to secure approval from the Office of the New York State Attorney General for a condominium offering plan, provided that no building permit shall be issued until such WCDH approval are received.
- _____7. As a condition of site development plan approval of a golf course community, the affiliated membership club shall record in the Westchester County Clerk's office a permanent conservation easement agreement between the Applicant and the Town 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 Board and Town Attorney.
- _____8. The Applicant shall file the previously discussed conservation easement prior to the issuance of the first building permit.
- _____9. The Applicant will need to obtain a chipping or blasting permit pursuant to Chapter 122 from the Building Department.
- _____10. The Applicant and the Town Board previously agreed to a \$1,050,000 Community Benefits Agreement. At this point, \$190,000 has been provided to the Town for the reconstruction of the Windmill wall project. \$390,000 is required to be paid to the Town prior to the issuance of the first Building Permit. The remaining \$470,000 is due upon the closing of title to the 36th market rate Phase 1 unit.

- _____ 11. Pursuant to Section 355-24.I.4 of the Town Code, a property containing any affordable AFFH units shall be restricted using a mechanism such as declaration of restrictive covenants in recordable form acceptable to the Town which shall ensure that the affordable AFFH unit shall remain subject to affordable regulations for the minimum 50 year period of affordability. The covenants shall require that the unit be the primary residence of the resident household selected to occupy the unit upon approval such declaration shall be recorded against the property containing the affordable AFFH unit prior to the issuance of a Certificate of Occupancy for the development.

- _____ 12. The Applicant shall submit documentation demonstrating that the New York State Department of Transportation has issued a Highway Work Permit and Driveway Access Permit for the proposed work along Bedford Road.

- _____ 13. 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.

- _____ 14. The approved site plan and shall be signed by both the Planning Board Chair and Town Engineer.

- _____ 15. 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.

- _____ 16. The Applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction. If site work proceeds Building Permits, Inspection fee shall be paid to the town prior to the start of any structural site work.

- _____ 17. Payment of all outstanding fees, including professional review fees.

Prior to the Issuance of a Certificate of Occupancy:

(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 submit documentation demonstrating that the water infrastructure has been dedicated to the Water District and accepted by the Town Board to the satisfaction of the Town Engineer.
- _____ 2. Prior to issuance of a Certificate of Occupancy for a building, the Applicant shall submit documentation confirming that the AFFH units or units in such building is available for sale/rental and comply with the AFFH requirements of Section 355-24.I of the Town Code to the satisfaction of the Town Planner.
- _____ 3. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.
- _____ 4. The submission to the Town Building Inspector of an "As Built" site plan.
- _____ 5. The Applicant shall install Knox Boxes to the satisfaction of the Fire Inspector.
- _____ 6. The Applicant shall submit documentation demonstrating that Notice of Termination (NOT) filing for the NYSDEC General Permit has been completed to the satisfaction of the Town Engineer.
- _____ 7. The applicant shall submit documentation demonstrating that all conditions of the New York State Department of Transportation Highway Work Permit and Driveway Access Permit have been satisfied to the satisfaction of the Town Engineer.
- _____ 8. Prior to obtaining a Certificate of Occupancy, the site shall have an all weather asphalt roadway completed to the asphalt binder course to the satisfaction of the Town Engineer.
- _____ 9. In the event the applicant is granted the right to locate the AFFH units off-site, those units shall meet the minimum gross floor area standards identified in Column 2 Section 355.24.I(6)(a) of the Town Code.
- _____ 10. Payment of all outstanding fees, including professional review fees.

Other Conditions:

1. All affordable AFFH units, whether for purchase or for rent, shall be marketed in accordance with the Westchester County Fair & Affordable Housing Affirmative Marketing Plan.
2. All AFFH units shall comply with Town Code Section 355-24.I.2. Maximum Rent and Sales Price .
3. Pursuant to Section 355-24.I.3 of the Town Code, Units designated as affordable AFFH units shall remain affordable for a minimum of 50 years from date of initial certificate of occupancy for rental properties and from date of original sale for ownership units.
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 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/or the Town Engineer.
7. All soil erosion and sedimentation control measures shown on this plan shall be in place prior to the start of any site work. 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 the 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.

***Amended Site Plan, Steep Slopes and Tree Removal Permit Approvals for
Summit Club Residential Project [2020-051]***

January 22, 2024

Page 17 of 18

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/or the Town Engineer. The 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 and/or the Town Engineer, 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 and/or the Town Engineer, 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.
13. Notwithstanding any provision of this resolution, separate building permits and temporary and final Certificates of Occupancy may be issued for each separate project building.
14. Notwithstanding any provision of this resolution, a site work permit may be issued by the Building Department prior to issuance of a building permit, subject to approval by the Town Engineer.

