



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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Armonk, New York 10504-1898

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PLANNING BOARD
Christopher Carthy, Chair

RESOLUTION

Action: Site Plan, Steep Slopes and Tree Removal Permit Approvals
Application Name: Summit Club Residential Project [2020-051]
Owner/Applicant: CANYON CLUB PARTNERS II LLC
Designation: 101.02-1-28.2
Zone: R-2A & GCCFO Zoning Districts
Acreage: 26.34 acres
Location: 570 Bedford Rd
Date of Approval: July 10, 2023
Expiration Date: July 10, 2024 (1 year)

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 October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 100.0," entitled "Overall Site Plan," dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 100.1A," entitled "Overall Site Plan – Southern Development," dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 100.1B," entitled "Overall Site Plan – Northern Development," dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 100.2," entitled "Site Details," dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 101.0," entitled "Amenities Building – Masonry Layout Plan," dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 101.1," entitled "Amenities Building – Planting Plan," dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 101.2," entitled "Amenities Building – Pool Fencing Plan," dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 101.3," entitled "Amenities Building – Details," dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 101.4," entitled "Amenities Building – Pool Deck Elevations," dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled "LS 102," entitled "Main Entry – Planting Plan," dated October 24, 2022, prepared by Granoff Architects.

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- Plan labeled “LS 103.1,” entitled “Residential Building – Typical Planting Plan,” dated October 24, 2022, prepared by Granoff Architects.
- Plan labeled “LS 104,” entitled “Detention Basin Planting Plan,” dated October 24, 2022, prepared by Granoff Architects.
- 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.
- Plan labeled “C-000” dated November 23, 2020, last revised May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-100,” entitled “Site Layout Plan (North),” dated November 23, 2020, last revised May 9, 2022, 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 May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

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- Plan labeled “C-103,” entitled “Utility Complex Plans,” dated March 28, 2022, last revised May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-202,” entitled “Road Profiles Plan,” dated November 23, 2020, last revised May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-302,” entitled “Sanitary Sewer Profile,” dated November 23, 2020, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-303,” entitled “Water Main Profile,” dated November 23, 2020, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-304,” entitled “Storm Sewer Profiles,” dated November 23, 2020, last revised May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, 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 May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-900,” entitled “Construction Details,” dated November 23, 2020, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

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- Plan labeled “C-901,” entitled “Construction Details,” dated November 23, 2020, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-902,” entitled “Construction Details,” dated November 23, 2020, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-903,” entitled “Construction Details,” dated November 23, 2020, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-904,” entitled “Construction Details,” dated January 10, 2022, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-905,” entitled “Construction Details,” dated May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-900,” entitled “Construction Details,” dated November 23, 2020, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “PSP-1,” entitled “Preliminary Subdivision Plat,” dated November 23, 2020, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “IPP-1,” entitled “Integrated Plot Plan,” dated November 23, 2020, last revised May 9, 2022, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “LS102.1,” entitled “Entry Signage,” dated March 28, 2022, last revised May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-100.A,” entitled “Garage Level Plan,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-101.A,” entitled “First Floor Plan,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-102.A,” entitled “Second Floor Plan,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-103.A,” entitled “Third Level Plan,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-300.A,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-301.A,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-302.A,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.

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- Plan labeled “A-303.A,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-304.A,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-100.B,” entitled “Garage Level Plan,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-101.B,” entitled “First Floor Plan,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-102.B,” entitled “Second Floor Plan,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-103.B,” entitled “Third Floor Plan,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-300.B,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-301.B,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-302.B,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-303.B,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.
- Plan labeled “A-304.B,” entitled “Building Elevations,” dated May 9, 2022, prepared by Granoff Architects.

WHEREAS, the site plan application contemplates the construction of 72 residential units containing 162 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 subject site which permitted the Property to be developed with a residential community having up to seventy three dwelling units residences; and

WHEREAS, page 30 of the Comprehensive Plan states that the Golf Course Community Floating Overlay District (GCCFO) has been placed on the Brynwood Country Club property and permits for 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

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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 Brynwood club 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 site as designated green space.

WHEREAS, the 26.34-acre development site is 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; 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 will require 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

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WHEREAS, the site plan depicts the removal of 250 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

WHEREAS, the 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

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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

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. In the southeast corner of the amenities building the driveway traverses around the proposed tennis courts to the large, existing parking lot. There is also a driveway at this location, which descends to the cart shed building. Conflicting grades between the two (2) drives results in a very awkward slope. The site plan shall be revised to improve on the grades to the satisfaction of the Town Engineer.
- _____ 2. The applicant shall submit a geotechnical report with respect to the proposed rock slope located along the cul-de-sac of Road B and driveway to Building #6 to the satisfaction of the Town Engineer or in the alternative, design a retaining wall to address the grading issue where the wall could be eliminated if a stable rock fence can be established during construction.
- _____ 3. The site plan shall be revised to include an impervious paver detail to the satisfaction of the Town Engineer.
- _____ 4. The width of the tennis court path shall be provided on the site plans to the satisfaction of the Town Engineer.
- _____ 5. The application shall prepare a cut and fill analysis for each phase of construction, to the satisfaction of the Town Engineer, so that there is an understanding of the overall requirement for import or export of materials and how materials will be handled between phases of construction.
- _____ 6. The vertical curve at Road "C" Station 0+50.50 shall be increased to 105 feet in length to meet the minimum required K value of 15 comply with Town Road standards. The site plan shall be revised to the satisfaction of the Town Engineer.
- _____ 7. 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.
- _____ 8. Individual domestic and fire service mains servicing the residential structures and the amenities of the building should include proposed size and type of the service main, so much information shall be included on the site plans to the satisfaction of the Town Engineer.

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- _____ 9. The four (4) inch service pipe to the gate house appears to be proposed at a depth, which is significantly lower than what may be necessary (16 feet deep at SMH 4-1B). This excessive depth could be due a rim elevation at SMH 4-2B, which is ten (10) feet lower than the proposed grade. The Applicant shall re-examine the design with an aim to significantly reduce the proposed depth 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 applicant shall check drainage profiles for adequate cover over pipes. In particular, downstream of DMH-5B, DMH-5A, WQS-4A, TD-4B-5-1 and DIC-C15C. The plans shall be revised to the satisfaction of the Town Engineer.
- _____ 12. Revise note on concrete sidewalk detail to reflect 5” minimum thickness to the satisfaction of the Town Engineer.
- _____ 13. 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.
- _____ 14. 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.
- _____ 15. The Applicant shall obtain NYSDEC approval for the proposed wastewater treatment plant to the satisfaction of the Town Engineer.
- _____ 16. The applicant shall obtain NYSDEC approval for the proposed water supply to the satisfaction of the Town Engineer.
- _____ 17. The Applicant shall secure an administrative wetland permit from the Town Engineer for the proposed work located with the Town-regulated wetland buffer.
- _____ 18. The site plan has been revised to depict a lighting/photometric plan that complies with Section 355-45.M of the Town Code. The Applicant shall confirm that all proposed site lighting is depicted on this plan to the satisfaction of the Planning Department.

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- _____19. 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.
- _____20. The Applicant has indicated that rock processing would be proposed on the site. The Town Engineer shall determine that the proposed methodology and work plan is acceptable.
- _____21. 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 to the satisfaction of the Planning Department.
- _____22. The plans shall be revised to depict separate lots for the water infrastructure (facilities, mains, pumps, tank) to be owned by the Water District and depict all required zones of control. Limitations within the zones of control should also be depicted on the plans. Subdivision plat approval by the Planning Board will be required to create the necessary lots.
- _____23. The plans shall be revised to depict an access easement over the property for Water District personnel to the satisfaction of the Town Engineer and Sewer and Water Department.
- _____24. The plans shall be revised to depict a future water main easement adjacent to lot 101.04-1-44.4 and extending to the subject lot's frontage on NYS Route 22 to the satisfaction of the Town Engineer and the Sewer and Water Department.
- _____25. The applicant shall prepare documentation for the formation of a sewer works corporation pursuant to Transportation Corporations Law and prepare documentation for the formation of a backup local sewer district to the satisfaction of the Town Attorney.
- _____26. 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 subject lot to the satisfaction of the Town Engineer.
- _____27. The Applicant shall prepare clear phasing plans and documents pursuant to

agreements with the Town Board. Specifically, Phase 1 shall consist of 36 units and Phase 2 shall consist of 37 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 units is \$700/sq. ft. or more in which event the age restriction can be released at the developer's option.

If the AFFH units are on site, no more than 29 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 27 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 31 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 31 CO's can be issued for market rate units until 3 CO's have been issued for the remaining AFFH units.

The documentation shall be prepared to the satisfaction of the Town Engineer and Town Attorney.

- _____ 28. The Applicant shall prepare a document, to the satisfaction of the Town Attorney, that addresses the timing of the future golf course improvements including the club house. The improvements are required as the zoning is dependent upon a golf club community. The document will need to tie the construction of the units to the golf club improvements (tied to CO's or performance bond, etc.) so that the golf course is improved and the residential units remain zoning compliant.
- _____ 29. The Applicant will need to obtain ARB approval for any proposed entrance signage attached to proposed walls.
- _____ 30. 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.
- _____ 31. 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.

- _____32. 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 subdivision.

- _____33. 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.
- _____34. 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.
- _____35. The applicant shall obtain WCDH preliminary subdivision approval.
- _____36. 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.
- _____37. Payment of all applicable fees, including any outstanding consulting fees.
- _____38. 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. 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 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.

- _____ 2. The Applicant shall file the previously discussed conservation easement prior to the issuance of the first building permit. The conservation easement shall be in favor of a party to the satisfaction of the Town Board and Town Attorney.

- _____ 3. The Applicant will need to obtain a chipping or blasting permit pursuant to Chapter 122 from the Building Department.

- _____ 4. 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.

- _____ 5. 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.

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- _____6. 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.
- _____7. 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.
- _____8. The approved site plan and shall be signed by both the Planning Board Chair and Town Engineer.
- _____9. 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.
- _____10. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.
- _____11. 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 structural site work.
- _____12. 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 extension of the water district and the water infrastructure has been dedicated to the district at a Town Board meeting to the satisfaction of the Town Engineer.
- _____2. Prior to issuance of a Certificate of Occupancy for the structure, the Applicant shall submit documentation confirming that all AFFH units are 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 submission to the Town Building Inspector of an "As Built" site plan.

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- _____ 4. The Applicant shall install Knox Boxes to the satisfaction of the Fire Inspector.
- _____ 5. 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.
- _____ 6. 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.
- _____ 7. 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 Section 355-24.I.2. Maximum Rent and Sales Price Section of the Town Code.
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.

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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.
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.

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

CANYON CLUB PARTNERS II LLC

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

Date

Joseline Huerta, Planning Board Secretary
Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS CONSULTING
As to Drainage and Engineering Matters

Date

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

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

Date

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

NORTH CASTLE PLANNING BOARD

Date

Christopher Carthy, Chairman