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APPLICATION PACKAGE

NOVEMBER 2024

Trump National Golf Club VILLAGE OF BRIARCLIFF MANOR, NEW YORK

Special Use Permit Amendment

Site Modifications:

- Proposed Prefabricated Storage Building
- Proposed Drilling of New Irrigation Wells



October 31, 2024

Christine Dennett
Village of Briarcliff Manor
Village Clerk
1111 Pleasantville Road
Briarcliff Manor, NY 10510

Re: **Application for Special Use Permit Modification**
Trump National Golf Club Westchester
100 Shadow Tree Lane
Briarcliff Manor, NY 10510
Section: 98, Block: 14, Lot:1/1

Dear Ms. Dennett:

Weston & Sampson, PE, LS, LA, PC (Weston & Sampson), on behalf of the Trump National Golf Club Westchester (the Club), is submitting this application for Special Permit Amendment to install a new prefabricated storage building and drill and construct up to seven additional irrigation test wells on their property located at 100 Shadow Tree Lane, Briarcliff Manor, NY, 10510 (the Property). The new building will be constructed in an existing paved area adjacent to the tennis courts and will be used for equipment and supply storage by the maintenance staff. The seven proposed test well locations are located within existing maintained areas of the golf course and will be used to replenish the Irrigation Pond and reduce the use of purchased municipal water as an irrigation source. The location of the proposed building and seven irrigation test well locations are depicted on **Figure 1**.

The proposed 2,138 SF (square foot) single story, prefabricated storage building will be utilized by golf course maintenance staff for covered storage of maintenance equipment that is currently stored within the two existing maintenance buildings and adjacent outside areas. The proposed building is of similar design to the existing surrounding buildings, will blend into the surrounding area and will not be visible to surrounding properties or members of the Club. The building would be erected over existing asphalt paving, which will result in no net increase in impervious surface or stormwater runoff.

The Club currently utilizes a combination of groundwater, surface water, and purchased municipal water to irrigate the approximately 146-acre golf course. The existing well yields have diminished over the years, with three of the four wells no longer being capable of producing New York State Department of Environmental Conservation (NYSDEC) permitted withdrawal rates, resulting in increased reliance on purchased municipal water as an irrigation source. To mitigate the irrigation-water deficit, the Club is proposing to drill up to four new successful bedrock irrigation test wells. As bedrock well drilling is an iterative process and well yields are not known until the well is drilled, we are requesting approval for a total of seven proposed test well sites. The additionally approved test well sites will allow flexibility should some of the priority locations not produce a viable well yield. The proposed locations were selected based on a fracture lineament assessment conducted by Weston & Sampson.

The Club is submitting this combined application for Special Use Permit modification for both the new building and proposed irrigation test wells at the request of the Village of Briarcliff Manor (the Village) Board of Trustees. As these are two distinctly different projects that: 1) are being completed by different contractors and consultants; 2) are located in noncontiguous portions of the property; 3) require

completely different construction methods and erosion controls; 4) have different permitting requirements; and 5) have different schedules for completion, the Club requests that the subsequently required Planning Board and Building Department applications be separated into two separate projects.

Application for Special Use Permit

Enclosed please find copies of the following documents:

1. Board of Trustees Special Use Permit Application;
2. Code of Ethics;
3. Existing Special Permit Approval;
4. Property Boundary Survey Prepared by J.W. Delano Surveying Consultants (2 Sheets);
5. Proposed Building Design Plans prepared by Dimovski Architecture (3 sheets);
6. Stormwater Pollution Prevention Plan for Proposed Building Prepared by Arben Corporation;
7. Stormwater Pollution Prevention Plan for Proposed Irrigation Test Wells (7 Sheets);
8. Wetland Permit Report Prepared by KSCJ Consulting; and
9. Letter from Trump Organization.

The Club is hoping to initiate construction of the new building drilling of the test wells on or around January 2025.

PROPOSED NEW STORAGE BUILDING

The proposed 2,138 SF storage building, as shown on the attached drawings, is located below the tennis courts and adjacent to two existing maintenance buildings. The proposed storage building will house various maintenance equipment needed for the day-to-day operations and maintenance of the Club. This equipment is currently stored in the existing maintenance buildings and adjacent on-site areas, which are at full capacity. The proposed additional building will provide additional protected storage space for this equipment.

The building will consist of a single-story, prefabricated steel and metal building, contextual with the adjacent buildings in appearance, height, size, and will be constructed over the existing asphalt (impervious) surface. There are no habitable spaces, offices, bathrooms, etc, proposed under this project. The only public utility connected to the building will be electrical power for house lighting. As there are no proposed sanitary facilities in the building, and therefor, no need for connection to the public water or sanitary systems. The proposed location of the building is not visible by any neighbors or Club members.

The Property is currently developed as a golf course with associated Clubhouse, maintenance and accessory buildings approved under the attached Special Permit. A zoning analysis was completed by Dimovski Architecture PLLC and is included as Sheet SP-1 in the building plans. The zoning analysis identifies key items for Village Staff review and understanding of the de minimis impact to the area.

The topography in the area of the proposed storage building is mostly flat. The surrounding area is developed as an existing building to the west, existing paved parking lots and access roads to the north and east, and tennis courts to the south. There are no wetlands or steep slopes in this area. Construction of the proposed building will not increase stormwater runoff or impact the routing of runoff, as the roof runoff will be equivalent to the existing runoff from the asphalt paving where the building will be erected and will discharge to the same existing stormwater catch basins. Three existing stormwater catch basins located within the paved parking lot and access road north of the building will continue to serve the area

with positive drainage to the catch basins, including the proposed building, and are in good working condition. No changes to the drainage patterns are anticipated.

The proposed storage building sits over an existing sewer easement, but should not impact the function or maintenance of the underlying sanitary sewer main as there are no manholes or access points within the footprint of the proposed building. Construction of the storage building will not result in additional or changes in vehicular traffic to or across the Property and will not impact pedestrian site circulation.

Stormwater Pollution Prevention Plan for Building Construction

The only earth disturbance associated with the construction of the building is the surgical excavation of 12 concrete pier foundations. The attached Stormwater Pollution Prevention Plan (SWPPP) was prepared for the building construction by Arben Corporation (Arben), the contractor that will construct the building. The locations of the 12 concrete pier foundations are depicted on Figure SW2 of the Arben SWPPP. As the construction site is completely surrounded by asphalt pavement, existing buildings and the retaining wall for tennis courts and the footing installation is anticipated to take only one to two working days, sedimentation and erosion controls will consist of stormwater catch basin inlet protection for three catch basins located within asphalt driveway/parking area located immediately north of the proposed building. The inlet protection will consist of filter logs positioned upslope of the catch basins and wrapping the catch basin grate with filter fabric.

PROPOSED EXPLORATORY BEDROCK WELL DRILLING PROGRAM

Proposed Irrigation Test Well Drilling

A water-supply feasibility study determined that the installation of bedrock wells was the preferred option for developing new sustainable irrigation sources on the Club property. A total of seven potential test well locations, identified as TW-1 through TW-8 on **Figure 1**, were selected based on fracture lineament assessment. KSCJ Consulting inspected the area within a 150-foot radius around each of the proposed test wells for the presence of wetlands. A copy of KSCJ's Wetland Permit Report is provided as an attachment to this application. As detailed in the KSCJ report, wetlands were identified and delineated downslope of proposed test wells TW-1, TW-3, TW-4, and TW-5 (**Figure 1**). The man-made ponds located east of TW-1, northeast of TW-2, and north of TW-5 and man-made watercourse immediately east of TW-2 are all lined with either a polyethylene barrier or clay, and do not meet all three of the regulated area wetland conditions, and therefore, are not classified as regulated areas. As depicted on **Figure 1**, proposed test wells TW-1 and TW-6 are located within areas mapped by the Westchester County Geographic Information System as steep slopes ranging from 15% to 25% slope.

The drill rig will access each test well site using paved/gravel access roads and cart paths to the maximum extent practical. If the drill rig needs to cross sensitive turf areas or wet areas, drive mats will be utilized to minimize disturbance. The proposed test wells will be drilled using an air-rotary drill rig and constructed with a minimum of 50-feet of 7-inch diameter steel casing grouted a minimum of 10-feet into the competent bedrock. Following casing installation, the well will be completed with an open 6.5-inch diameter borehole extending into the competent bedrock. The final depth of each test well will be dependent on the observed geology during the drilling process. The Club is in the process of obtaining a Construction Approval Permit from the Westchester County Department of Health (WCDH) for the seven proposed test wells and will not drill any test wells that are not approved by WCDH. Depending on the drillers estimated yield and number of water-bearing fractures encountered in each well, select wells may be subject to supplemental well development utilizing the zone-isolation hydraulic fracturing (ZIHF) and/or air shock methods.

Following completion of the drilling and development phase (ZHF and air shock), Weston & Sampson will conduct a simultaneous 72-hour pumping test on the successful wells and monitor nearby watercourses, wetlands and private residential wells for potential pumping-induced impact. The pumping test and impact monitoring results will be used to support the submittal of Water Withdrawal Permit (WWP) Application to the New York State Department of Environmental Conservation (NYSDEC). Operation of the wells for irrigation purposes will not commence until an approved WWP is issued by NYSDEC. The Club acknowledges that additional permitting may be required for installation of the supporting utilities necessary to operate the successful wells. As requested by the Village, the tentative proposed utility routing for each well, if successful, is depicted on **Figure 2** of the enclosed Test Well Drilling SWPPP prepared by Weston & Sampson.

The Club is requesting approval from WCDH to complete some of the successful test wells in either sub-grade vaults to prevent disturbance of golf play and better conceal the wells, or above-grade casing completions in areas outside of play. The proposed well-vault design was previously approved by WCDH for use at other Westchester County golf courses and is designed to protect the well casings from surface-water intrusion. Wells that fail to produce more than 5 gpm (gallons per minute) will either be maintained as monitoring wells equipped with secure well caps or be abandoned in accordance with New York State and WCDH regulations or by an approved alternative method.

Regulated Activity

Bedrock test wells TW-1, TW-3, TW-4 and TW-5 are located approximately 42, 14, 80 and 72 feet upslope of delineated wetlands boundaries, respectively, and will be drilled within the wetland buffer area. The test well locations, approximate wetland boundaries and erosion control details are depicted in the enclosed Test Well Drilling SWPPP prepared by Weston & Sampson. Note that the drill rig will access each drilling location using existing paved roads/cart paths to the maximum extent possible and will not cross through wetlands.

Bedrock test wells TW-1 and TW-6 are located within mapped steep sloped areas ranging between 15 to 25%. It is anticipated that steep slope permits will need to be submitted to the town Planning Board.

No NYSDEC-regulated wetlands or Critical Environmental Areas are mapped on the Club property.

Proposed Stormwater Pollution Prevention Plan for Test Well Drilling

Weston & Sampson prepared the enclosed SWPPP detailing the proposed erosion controls and sedimentation pollution measures to be employed during the proposed test well drilling activities. The figures within the SWPPP detail the proposed location of each test well in relation to delineated wetland boundaries and steep slopes. **Figure 2** depicts the drilling vehicle access route to each test well, temporary disturbance associated with the drilling of each well, and the tentative routing of supporting utilities for each well if successful. **Figures 3 and 4** of the SWPPP, detail the standard erosion controls that will be employed at all test well sites. The standard erosion controls will consist of hay/straw bales and compost filter socks situated immediately downslope of each test well site. An extra line of compost filter stock will be installed immediately upslope of the delineated wetlands proximate to TW-1 and TW-3 as an extra layer of protection. An approximate 8 foot (ft) long by 6 ft wide by 6 ft deep drill cuttings settling pit will be excavated within the erosion controls. The excavated soils will be stockpiled within the erosion controls and later used to backfill the settling pit. During the drilling process, drilling water will be routed to the settling pit to facilitate deposition of the rock cuttings. Groundwater will either infiltrate into the pit or overflow the pit and be filtered through the straw bales and compost filter sock. In the event that test wells TW-1, TW-2, TW-3, TW-4 or TW-5 produce a significant yield, water will be pumped from the surface

of the settling pit and routed to a secondary discharge site located further from the wetlands and outside the wetland buffer area (**SWPPP Figures 3 and 4**). The Club will be responsible for installation, inspection and maintenance of the erosion controls and stabilizing the disturbed areas.

All disturbance associated with the drilling is temporary (three to five days per well site) and will be stabilized with either sod or seed and mulch immediately following the completion of drilling and/or supplemental development. The total disturbance area associated with the seven proposed test well sites is approximately 4,675 SF. The drilling will not result in any change in existing topography or the addition of any impervious surface. Weston & Sampson's standard erosion controls for bedrock well drilling have proven to be successful at protecting wetland and watercourse resources at many other drilling sites in New York and Connecticut.

Preliminary Supporting Utilities

A successful irrigation well for a golf course has a minimum yield ranging from 10 gpm to 20 gpm depending on the location of the well and proximity to the point of usage and electrical service. Due to the anisotropic and heterogeneous nature of fractured bedrock aquifers, it is not possible to determine if a well will produce a suitable well yield without first drilling the well. For this reason, Weston & Sampson generally prefers to wait until after the wells are drilled before completing planning and permitting for the required supporting utilities. To make each successful well operational, each well will need to be connected to a power supply and be outfitted with discharge piping. As requested by the Village, **Figure 3** of the Test Well Drilling SWPPP depicts the preliminary utility trenching for each test well.

The proposed utility trenching will be completed using either the sod cut/backfill method or by the vibratory plow/direct burial method. Both of these proposed methods leave no permanent disturbance at the end of each work day, such that multiple regulators have approved their use without the installation of formal erosion and sedimentation controls. A detailed description of each method is provided below:

Sod Cut and Backfill Process

The sod cut and backfill method for utility installation ensures that the trench is excavated, backfilled and stabilized in the same workday, which eliminates overnight disturbance and avoids extra disturbance associated with the installation of standard erosion and sedimentation controls. The Club or contractor will only excavate, install, backfill and restore the appropriate linear footage that can be managed in a single workday, such that there will be no open disturbance at the end of the work shift.

The sequence for excavation, backfill and stabilization of these trenches is detailed below:

- Mark out the trench routing;
- Line at least one side of the proposed trenching with plywood or drive mats;
- Cut out existing turfgrass using a sod cutter and set on plywood or drive mats for reuse;
- Excavate trench placing sediments on plywood or drive maps for reuse;
- Install discharge pipe and/or electrical conduit;
- Backfill and compact trench using excavated materials; and
- Reinstall cut sod and roll.

The proposed excavation sequence for electrical and water piping trenches eliminates the need for standard erosion controls, which would actually result in longer-term disturbance than the proposed trenching method. The contractor will have compost filter socks on stand-by and install them downslope of any trenching that would not be stabilized at the end of the day or in the event of unexpected precipitation.

Vibratory Plow Method and Direct Burial

Smaller diameter water piping and/or electrical conduit may be installed using the vibratory plow and direct burial method. This method utilizes a vibratory plow to create a micro trench, while simultaneously pulling in the utility into the trench as it is created. The grade disturbance from this process leaves behind an approximate 3- to 6-inch-wide path of loosened material where the plow blade cuts through the material. The loosed material and existing vegetation is then tamped back into place to stabilize the area and compacted with a rubber wheel. Similar to the sod cut and backfill method, installation of tradition erosion controls actually causes more permanent disturbance than the actual installation process. The Club or contractor will have compost filter socks on stand-by should the vibratory plow encounter rocks or boulders that produce a slightly larger disturbance envelope. If necessary, this disturbance would be stabilized using either seed and mulch or sod.

SPECIAL PERMIT REQUIREMENT WAIVERS/LIMITATIONS

Requirements C through H of the Special Permit Application do not appear to be applicable to the building or irrigation well projects, as the proposed activities do not result in development of a new site that would impact Village resources, but instead represent activities that will improve the existing site operations and conditions. A letter from the Club General Manager that addresses Requirements C, F and G is provided as an attachment.

Requirement C – Marketing Study

A marketing study should not be required as the proposed improvements are not related new development for which a market needs to be demonstrated. The letter from the Club General Manager demonstrates that the Club is a vibrant and thriving part of the community. Their 2024 calendar has been filled with successful golf and social events and their 2025 and 2026 calendars are already being filled with golf outings and weddings. The Club has also booked many new memberships for the 2024 season.

Requirement D – Infrastructure and Utility Study

The Club's existing infrastructure and utility network includes both single phase and 460V three phase power with adequate capacities to support both the house lighting in the proposed building and the new well pumps, respectively. The new proposed building will be connected to the existing electrical service for the facility, which has ample capacity. The building will not be connected to the existing public-water supply or municipal sanitary system. Neither the building or new wells will impact the watercourse, sanitary sewer, watermain and/or stormwater system. Roof drainage from the proposed building will be routed to an existing nearby stormwater catch basin. As the proposed building will be constructed upon existing impervious surface, there will be no net increase in stormwater runoff to the existing catch basin. Therefore, an infrastructure and utility study does not appear to be applicable.

Requirement E – Traffic Study

The proposed well drilling and building construction will not result in any permanent increase in traffic to and from the Property. The anticipated construction duration of the storage building is anticipated to be approximately 60 days. Daily construction vehicles will consist of two pickup trucks. It is anticipated that the following vehicles will each mobilize to the Property for one day: 1) a delivery truck with the building components; 2) an excavator and dump truck to excavate the building footings; 3) a concrete truck to pour the footings; and 4) a dump truck for asphalt and paving equipment to repave around the footings. During the well drilling process, drilling vehicles accessing the proposed test well locations include the drill rig and one to two support vehicles. As previously stated, the vehicles will access each well site primarily using paved/gravel access roads and will utilize drive mats over wet or sensitive areas to

prevent unnecessary disturbance. The drilling of each well is anticipated to take approximately three to five days, with the total drilling process spanning over a two- to three-week period.

Considering the limited number of vehicles accessing both the new building location and test well sites over a short temporary basis, a traffic study does not appear to be applicable.

Requirement F – Municipal Service Impact Study

As detailed in the letter from the General Manager, neither the proposed storage building or proposed irrigation wells will impact the local fire, police or EMS services. The Club's security logs indicate minimal assistance from these services of the past year, which is expected to continue following construction of the building and installation of the wells.

The proposed storage building will not be connected to the municipal water-supply system or sanitary system, so no additional strain will be placed on this municipal services.

The installation of new onsite bedrock irrigation wells will reduce the use of purchased municipal water for irrigation, which will free up large volumes of high-quality drinking water for the public. The New York City Department of Environmental Protection (NYCDEP) has previously indicated that they prefer golf courses utilize onsite water-supply sources for irrigation instead of using purchased municipal water.

Requirement G – Educational Resources Impact Study

The proposed activities are specific to golf course enhancement and functionality. Considering the project does not directly or indirectly impact the local public schools, an educational resources impact study does not appear to be applicable.

Requirement H – Fiscal Impact Analysis

The proposed building will provide additional equipment storage and allow for more efficient operation and maintenance of the golf course. The proposed installation of the test wells will allow the Club to more efficiently irrigate the golf course, producing more appealing conditions for attracting new membership. Neither the proposed wells or proposed building will have a fiscal impact to the Village. Conversely, the addition of the storage building have a positive value to the Village in the form of increased tax payment.

If you have any questions concerning this application or require additional information, please contact Michael Kapareiko directly at 959-777-5821.

Sincerely,
WESTON & SAMPSON PE, LS, LA, PC



Corey Hedges
Project Geologist



Michael V. Kapareiko, PG(NY), LEP
Team Leader – Hydrogeology



Robert J. Carr, P.E., LEP
Senior Technical Leader

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Figure

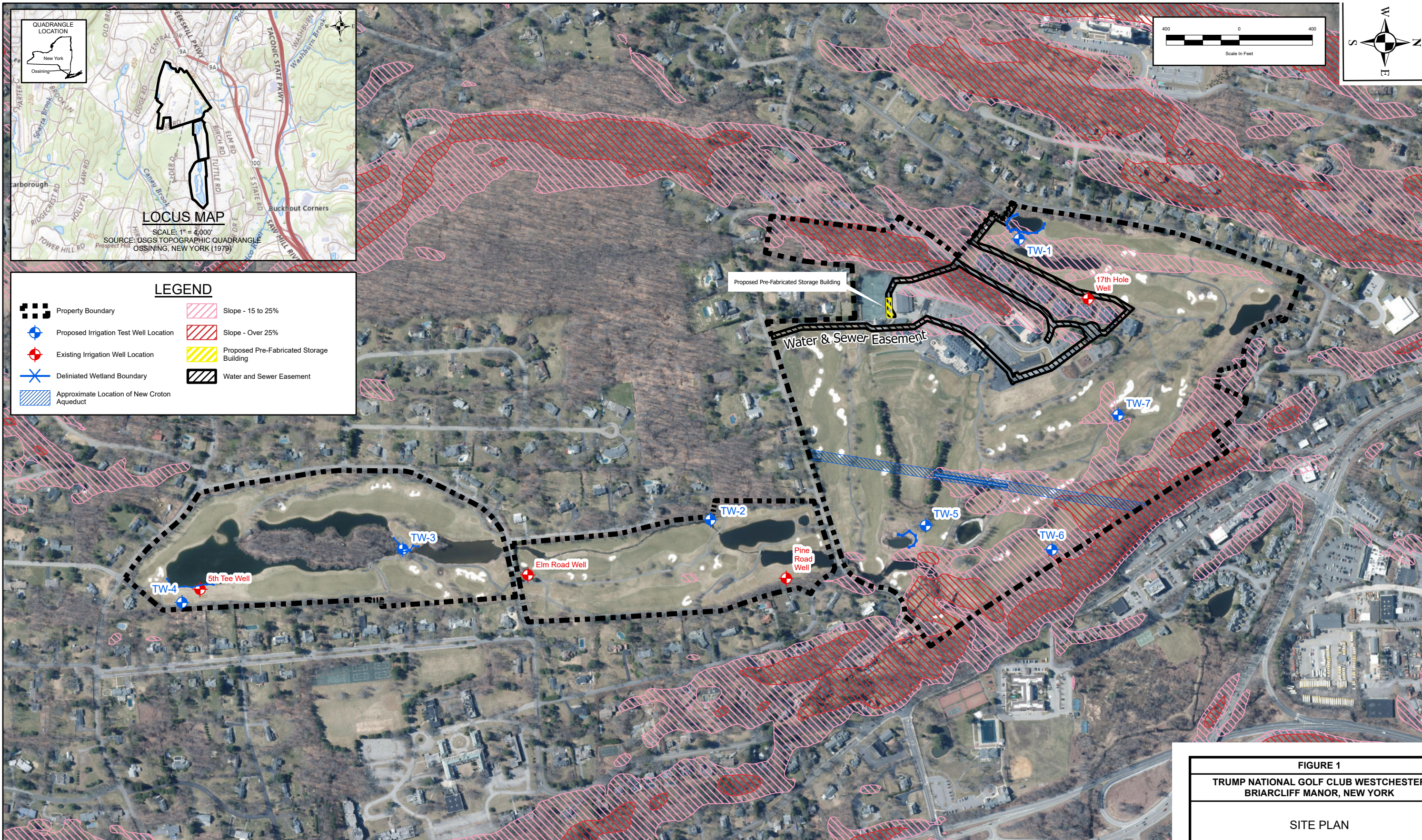
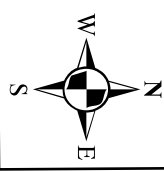
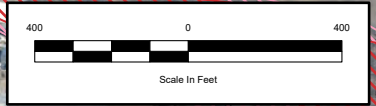
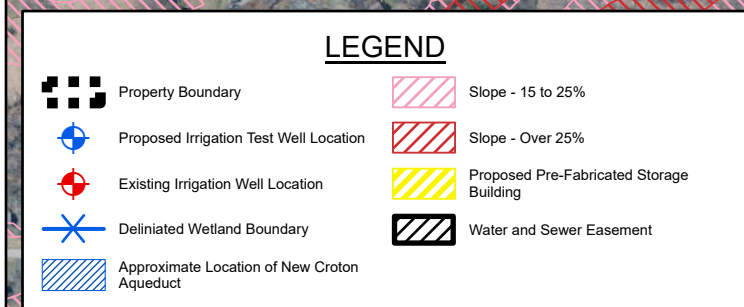
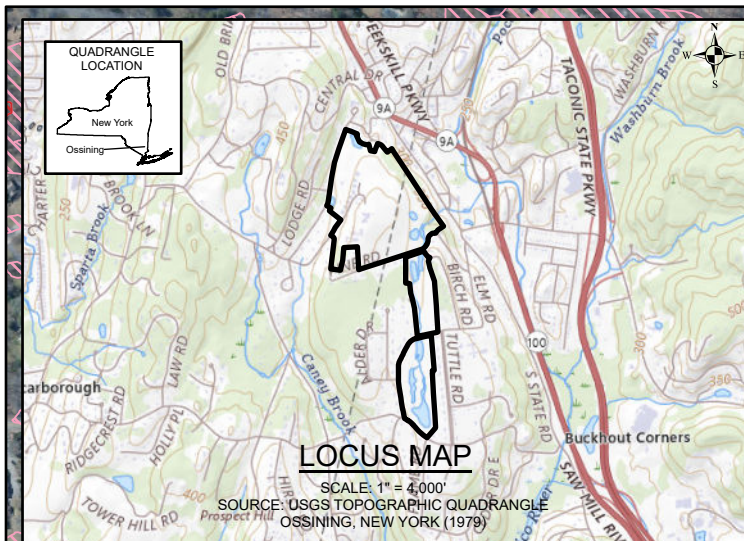


FIGURE 1
TRUMP NATIONAL GOLF CLUB WESTCHESTER
BRIARCLIFF MANOR, NEW YORK

SITE PLAN

OCTOBER 2024 SCALE: 1" = 500'

Weston & Sampson

Board of Trustees Special Use Permit Application



Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, New York 10510
(914) 941-4800
www.briarcliffmanor.gov

BOARD OF TRUSTEES SPECIAL USE PERMIT APPLICATION

BOARD ACTION REQUESTED: ☐ Original ☐ Renewal ☒ Amendment

Location of Property (Address): 100 Shadow Tree Lane, Briarcliff Manor, NY 10510

Parcel ID: 98.14-1-1 Zoning District R40B – Approved through Special Use Permit

Name & Address of Property Owner: Trump National Golf Club LLC

Phone # 914-944-0900 100 Shadow Tree Ln, Briarcliff Manor, NY 10510

Email: lily.braswell@trumpgolf.com Lily Braswell

Name & Address of Applicant: Trump National Golf Club LLC

Phone # 914-944-0900 100 Shadow Tree Ln, Briarcliff Manor, NY 10510

Email: lily.braswell@trumpgolf.com Lily Braswell

Name & Address of Representative: Weston & Sampson Engineers, Inc.

Phone # 959-777-5821 712 Brook Street, Suite 103, Rocky Hill, CT 06067

Email: Kapareiko.michael@wseinc.com Michael V. Kapareiko

Waiver(s) Requested: Yes ☒ No ☐

If a waiver is requested, list waivers and reasons why such requirements should be waived (add additional sheets as necessary):

A waiver is requested for Parts C through H of the Special Use Permit Application. The proposed project entails amendment of the existing Special Use Permit and includes construction of a new storage building and installation of new bedrock irrigation test wells. The new building will be constructed in an existing paved area and used for storage of maintenance equipment and supplies. The installation of the new bedrock wells will allow the Club to reduce their reliance on using purchased municipal water for irrigation. As neither activity represents a new site development nor will change the use of the existing site, requirements C through H are not applicable. Addition rationale for the waiver request is provided in the cover letter.

I AFFIRM THAT THE STATEMENTS MADE ON THIS APPLICATION ARE TRUE. THIS AUTHORIZES THE BOARD OF TRUSTEES AND ITS AGENTS TO ENTER UPON THE SUBJECT PROPERTY FOR THE PURPOSE OF PROCESSING THIS APPLICATION REQUEST.

Signature of Owner _____ Date _____

 10.31.24

Signature of Applicant (IF NOT OWNER) Date

Code of Ethics Certification



CODE OF ETHICS

Pursuant to Section 27-4, the Village Manager shall cause a copy of the Code of Ethics to be distributed to each applicant for a change of zoning, variance, special permit, site plan approval, subdivision or other permission, pursuant to the zoning and planning regulations of the Village, shall disclose with the application the name, nature, and extent of the interest of any Village employee, official or consultant in the application, or in the applicant.

CERTIFICATION

I, Lily Braswell OF 100 Shadow Tree Lane
PRINT NAME STREET ADDRESS

Briarcliff Manor, NY 10510

CITY, STATE AND ZIP CODE

acknowledge that I have received Chapter 27 of the Code of the Village of Briarcliff Manor, "Code of Ethics".

Date: 10-31-24

Position/Title: General Manager

Signature: [Signature]

Existing Special Use Permit Approval and Amendments

FILE
1/19/00

RESOLUTION
VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES
Adopted January 10, 2000

RE: TRUMP/BRIAR HALL GOLF COURSE AND RESIDENTIAL DEVELOPMENT
- RESOLUTION OF SPECIAL PERMIT APPROVAL

WHEREAS, the Board of Trustees has received the application of Trump Briarcliff Manor Development, LLC, formerly Briar Hall Development, LLC ("Applicant" and "Property Owner") for special permit approval and a zoning text amendment in connection with a proposal to construct 87 residential units, replace an existing clubhouse, renovate and upgrade an existing 18-hole golf course, construct ancillary facilities for and incorporate adjacent residential property into the golf course, on a site and adjacent parcels located in the vicinity of Pine Road (the "Project"); and

WHEREAS, the 147.14-acre property consists of the following parcels:

- 1) Parcel 1 - 97.5 acres on the north side of Pine Road with frontage on Dalmeny, Sycamore and Tulip Roads;
- 2) Parcel 2 - 19 acres south of Pine Road with additional frontage on Pine, Birch, Elm and Plumwood Roads;
- 3) Parcel 3 - 29 acres with frontage on Elm and Long Hill Roads; and
- 4) Two additional residential lots known as 91 and 81 Pine Road, comprising 0.77 and 1.66 acres, respectively; and

WHEREAS, said parcels are designated on the Tax Maps of the Village as Section 4, Plate 19, Block 12, Lots 8 & 10; Section 4, Plate 21 Block 13, Lots 7, 10 & 11; Section 4, Plate 27, Block 20, Lot 8; and Section 4, Plate 29, Block 21, Lots 7, 8, and 12A, (the "Property"); and

WHEREAS, the Briar Hall Country Club was established in 1921 and has continuously been operated as a "for gain" golf club, which type of use predates the adoption of the Village Zoning Ordinance, which permits "not for gain" clubs to operate

in residential districts by issuance of a special permit, and as such, the current use of the property is a pre-existing non-conforming use; and

WHEREAS, the existing 65,300 square foot clubhouse cannot be demolished and replaced with a smaller clubhouse and the golf course area cannot be expanded to include two adjoining properties totaling approximately 2.5 acres as proposed because the existing golf club use is a non-conforming use; and

WHEREAS, the Applicant has proposed an amendment to Section 7A of the Village Zoning Ordinance (the "nonconforming use" provisions of the Ordinance) to permit the replacement of the clubhouse (and ancillary structures) and the incorporation of two adjacent parcels, 91 and 81 Pine Road, into the golf course which proposed text amendments have been modified pursuant to advice of counsel as same are annexed to the Findings Statement of the Board of Trustees previously adopted in accordance with SEQRA; and

WHEREAS, the golf club would then continue to operate as a permitted nonconforming use; and

WHEREAS, the amendment, as modified, is not expected to affect any other properties within the Village; and

WHEREAS, the proposed uses, including the continuation of the golf club, are consistent with past use of property and the construction of residential development is consistent with Village Master Plan, surrounding land uses and zoning; and

WHEREAS, the Applicant proposes amendment of the Village Zoning Ordinance to permit physical expansion of the lands and demolition and reconstruction of the clubhouse building for the pre-existing non-conforming use of the property as a for profit golf club; and

WHEREAS, the basic use as a golf club would not change, but would be a continuation of such use subject to restrictions on maximum occupancy of the golf club (non-residential portion) property, the clubhouse and the dining areas, including the number and size of golf outings and dinner and special member events; and

WHEREAS, the proposed amendment to Section 7 of the Zoning Ordinance would allow, by special permit, the enlargement or extension to adjacent residential parcels which borders touch the subject property and the enlargement or structural alteration of the existing structures on site only:

"if the Board of Trustees finds that

(a) such use

- (1) *further the goal of open space preservation and the purposes of Section 4(C) of this Ordinance,*
 - (2) *maintains or improves the relationship between the subject property and the surrounding community, and*
 - (3) *results in improvement in the public welfare, health, safety and applicable environmental concerns; and*
- (b) *unique circumstances exist that support the need for such enlargement or extension."; and*

WHEREAS, as part of the proposed amendments, the Village Board would allow by special permit the *"non conforming golf clubhouse to be reconstructed or replaced, in whole or in part (but in no case enlarged), for its prior nonconforming use in substantially the same location and may permit the construction or replacement of any ancillary structure necessary or appropriate for such use, provided, in each such case, that the Board of Trustees finds that:*

- (a) *such construction, reconstruction or replacement*
 - (1) *further the goal of open space preservation and the purposes of Section 4(C) of this Ordinance,*
 - (2) *maintains or improves the relationship between the subject property and the surrounding community, and*
 - (3) *results in improvement in the public welfare, health, safety and applicable environmental concerns; and*
- (b) *unique circumstances exist that support the need for such construction, reconstruction or replacement."; and*

WHEREAS, the Project has been subject to a coordinated review conducted by the Village of Briarcliff Manor Planning Board, as the Lead Agency with respect to this action, which Project has involved the preparation of a DEIS and FEIS, and the Planning Board, as Lead Agency, has adopted a Findings Statement dated May 7, 1999 and a Supplemental Findings Statement dated December 2, 1999. The Supplemental Findings Statement concluded that significant adverse impacts identified in the May 7 Findings Statement had been satisfactorily avoided, minimized or mitigated by the Project Revisions; and

WHEREAS, the Project is fully described in the EIS and the Findings Statements and all materials and submissions in support thereof; and

WHEREAS, the Village Board of Trustees has participated in the review of the project since its inception in 1996, including attendance and participation at many meetings and public hearings before the Planning Board, and, since formal application materials were submitted to the Village Board of Trustees in March 1999, the Project has been discussed at the following public meetings of the Board on the following dates: March 4, 1999; June 23, 1999; July 12, 1999; August 12, 1999; September 9, 1999; September 23, 1999; November 11, 1999; and December 16, 1999; and

WHEREAS, the Village Board of Trustees held duly advertised public hearings on the Project on August 12, 1999; September 9, 1999; September 23, 1999; and November 4, 1999, at the Village of Briarcliff Manor Municipal Building at which time all those wishing to be heard were given the opportunity to be heard and the public hearings were adjourned, re-advertised and continued on January 6, 2000, at which time they were closed; and

WHEREAS, after the close of the public hearing on January 6, 2000, the applicant proposed several new project modifications including the following (hereinafter referred to as the "Project Modifications):

- elimination of the top floor of the proposed 31 unit condominium building to reduce the height of the said building and, retaining the same footprint of the building, thereby resulting in either the elimination of condominium units to be constructed on that floor or a reduction of the size of some or all of the condominium units in said building to reflect the reduction in the size of said building;
- reduction in the size of the proposed golf clubhouse by 2,000 square feet, all of which reduction will be allocated to the reduction of the proposed dining areas by such square footage; and
- commitment to measures as approved by the Village Engineer and the Village's consultants to improve drainage conditions on the subject property in the area of Pleasantville Road, including without limitation, the diversion, retention and release of stormwater within the property, subject to Site Approval by the Planning Board;

All of which Project Modification are set forth in the letter from Applicant's counsel, which letter is attached hereto and incorporated by reference (Exhibit A); and

WHEREAS, the Board of Trustees has visited the Property, is familiar with the site and all aspects of the proposed action and has been satisfied that, subject to the conditions contained herein, the proposed development will conform to the requirements of the Village's Zoning Ordinance Section 4(B).C; and

WHEREAS, as an involved agency and in accordance with the requirements of Part 617 of the SEQRA regulations promulgated by the New York State Department of Environmental Conservation, the Village Board of Trustees adopted its own Findings

Statement dated January 10, 2000 with respect to the Project, which Final Statement is included by reference as if fully set forth herein; and

WHEREAS, the Board of Trustees made several field inspections of the property; and

WHEREAS, pursuant to Section 239 of GML and Section 277.61 of the Westchester County Administrative Code, the application has been referred to the Westchester County Planning Department for its review and comment; and

WHEREAS, Westchester County Planning Department has responded by letters dated January 6, 2000 and March 15, 1999, with comments which have been addressed by this Special Permit and Proposed Site Plan conditions; and

WHEREAS, pursuant to Section 4(B).B of the Village Zoning Law, the application has been referred to the Planning Board for its review and recommendation regarding the special permit applications; and

WHEREAS, the Planning Board, as lead agency, addressed the conformance of the Project to the general special permit standards of Section 4(B)C of the Zoning Law in the FEIS, section 7, Responses 7.64(1) through (8), to the effect that the Project does indeed conform to the standards and meets and furthers the intent of the requirements which Responses are hereby incorporated by reference; and

WHEREAS, the viewshed and vistas of and across the Briar Hall Golf Course as experienced from the abutting roads of Pine, Dalmeny Elm, Long Hill Road East, Birch, and Plumwood are an integral part of the Village's identity and its open space and community character; and

WHEREAS, these features and the subject property have specifically been identified in the Village's Master Plan and recommended for preservation to the extent possible, which findings of the Master Plan led to the basic premise that any development of the golf course property should be required to implement the principles of cluster development so as to preserve the golf course and its open space as a central open space feature within the Village; and

WHEREAS, more specifically, the Master Plan states:

"Part of the reaffirmation of the 1958 Plan should be a recognition of the need to preserve the basic low-density single-family character of the developed portions of the Village. Thus, the introduction of any form of multi-family or attached housing whatsoever into the areas of Briarcliff Manor which are already substantially developed with single-family residential character should be carefully used to preserve open space. This would include the rejection of the so call "clustered" or attached "townhouse" type of single-family residence (Village Law Section 7-738) within the "heartland" area of the Village unless such development can be located deep within the particular site and

virtually surround the development with and hidden from public view by open space. Unless such clustered housing can be screened from public view and open space can be preserved on the circumference of the development site (for a feeling of openness and low density) the character change can be detrimental.”; and

WHEREAS, these principles led the Planning Board in 1988 to reject a conventional single-family development of the golf course site, and to require that any residential units be clustered toward the center of the property so that they would remain largely unobservable from adjoining roadways; and

WHEREAS, the Property and the preservation of the golf course is an essential part of the Village character and open space network; and

WHEREAS, the primary benefit of the Project is the preservation of approximately 135 acres as permanent open space, including the associated visual and recreational benefits; and

WHEREAS, other important benefits of this Project include, but are not necessarily limited to, the following:

- a. an upgraded golf course;
- b. a new clubhouse;
- c. increased wetlands and ponds and associated fringe wetlands for a net benefit in water quality;
- d. improved area drainage and reduced rates of stormwater runoff and potential for erosion and flooding;
- e. elimination of the Village potable water supply for irrigation;
- f. implementation of the Natural Resource Management Plan (NRMP) and Integrated Pest Management (IPM) Plan, including annual certification as a "Signature Course" by Audubon International, Inc., resulting in significant improvements in the use and application of fertilizers, pesticides and other management practices for the protection of the environment;
- g. elimination of existing guest suite accommodations in the clubhouse;
- h. reduction in the size of the clubhouse by approximately 1/3;
- i. recorded restrictions on the use, maximum occupancy and operations of the golf course and clubhouse where none currently exist;

- j. recorded assessment for most favorable (for the Village) tax assessment of the golf club portion of the development based on fair market value;
- k. offsite improvements including new and upgraded water and sewer lines, construction of a new sewer pump station, replacement or renovation of the Pine Road bridge, construction of sidewalks, and a cash contribution to improvements to the intersection of Pleasantville and South State Roads;
- l. the reduction of the height of the 31-unit condominium building with the resulting reduction in total number of residential units, or reduction in the size of said units in that building;
- m. reduction in the area in the clubhouse available for dining.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. The Board of Trustees hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
- 2. The conditions and standards for Special Permit Use set forth in Section 4(B).C(1) through (8) have been met to the satisfaction of the Board of Trustees.
- 3. The Village Board of Trustees, in reliance on all application materials and representations made by the Applicant/Owner or representatives thereof, specifically including all such information and representations contained in the EIS and throughout the SEQR process, hereby makes the following findings in accordance with Sections 7.A.1 and 7.A.4 of the Zoning Law:
 - A. With respect to the proposed enlargement and extension of the non-conforming use to adjacent residential parcels of 81 and 91 Pine Road, and the proposed reconstruction and replacement of the existing structures and the construction or replacement of any ancillary structure necessary or appropriate for such use, the Board of Trustees finds that:
 - (a) such use and construction:
 - (1) furthers the goal of open space preservation and the purposes of Section 4(C) of this Ordinance, through the permanent preservation of the golf course and other portions of the residential portion of the Property as permanent open space, including the legal establishment and permanent preservation of public use and access of the golf course property for such off season uses as sledding, skating and cross country skiing, and use for golf team practices and tournaments by the School District as provided in condition 4(u) below;

- (2, maintains or improves the relationship between the subject property and the surrounding community for the reasons stated herein above, including:
- a. preservation of the golf course and other portions of the residential portion of the Property as permanent open space;
 - b. maintenance and permanent preservation of the entire portions of Parcels 1, 2 and the majority of Parcel 3 as golf course or open space where the Property abuts adjoining residential lots;
 - c. the alteration of the direction of golf play and proposed landscaping and grading to reduce the potential for accidents, damage or injury resulting from use of the golf course;
 - d. increased wetlands and ponds and associated fringe wetlands for a net benefit in water quality;
 - e. improved area drainage and reduced rates of stormwater runoff and potential for erosion and flooding;
 - f. elimination of the Village potable water supply for irrigation;
 - g. implementation of the Natural Resource Management Plan (NRMP) and Integrated Pest Management (IPM) Plan, including annual certification as a "Signature Course" by Audubon International, Inc., resulting significant improvements in the use and application of fertilizers, pesticides and other management practices for the protection of the environment;
 - h. elimination of existing guest suite accommodations in the clubhouse;
 - i. reduction in the size of the clubhouse by approximately 1/3;
 - j. recorded restrictions on the use, maximum occupancy and operations of the golf course and clubhouse where none currently exist;
 - k. recorded agreement for most favorable (for the Village) tax assessment of the golf club portion of the development based on fair market value;

- l. offsite improvements including new and upgr. water and sewer lines, construction of a new sewer pump station, replacement or renovation of the Pine Road bridge, construction of sidewalks, and a cash contribution to improvements to the intersection of Pleasantville and South State Roads; and
 - m. the reduction of the height of the 31-unit condominium building with the resulting reduction in total number of residential units, or reduction in the size of said units in that building;
 - n. reduction in the area in the clubhouse available for dining.
 - (3) results in improvement in the public welfare, health, safety and applicable environmental concerns for the same reasons identified above; and
 - (b) unique circumstances exist that support the need for such enlargement or extension, and for such construction, reconstruction or replacement, since without such action, the unique beneficial aspects of the use as noted herein and above and the negative aspects of the existing, unrestricted non-conforming use could not be limited, reduced or eliminated as is proposed and required subject to the conditions below.
4. Subject to and expressly conditioned upon the Applicant submitting to the Board of Trustees (a) revised plans incorporating the Project Modifications as to the top floor of the 31-unit condominium building and reduction of the dining areas in the clubhouse; and (b) verification from the Village's Engineer and outside consultants that the proposed implementation of measures to improve drainage conditions on the Property in the area of Pleasantville Road are satisfactory to achieve the drainage benefits contemplated by the Applicant's Project Modification, the Board of Trustees hereby grants Special Permit Approval to the Project as defined herein and above in accordance with the provisions of Sections 4(B). Special Permit Use of the Village Zoning Law subject to the following conditions and modifications which shall be fulfilled prior to any permission for site improvements being issued to the Project:
 - a. The Applicant shall obtain Site Plan Approval from Planning Board.
 - b. Payment of all applicable fees, which shall be paid before this Special Permit shall be deemed effective.
 - c. The Applicant and Owner of the Property shall operate the proposed golf club use in conformance with the requirements of Sections 4(B) of the Village Zoning Law. The Applicant shall provide a final written narrative

vi. reflects all written correspondence, reports and application materials provided by the Applicant and its consultants which constitutes the design and operational characteristics of the Project, including all operational and occupancy restrictions on the use of the golf course and clubhouse and the conditions contained herein (the special permit "Parameters") to the satisfaction of the Village Board of Trustees. Said written Parameters shall be attached to this resolution, upon acceptance by the Board of Trustees and be deemed a condition of this Special Permit. Any regular, repeated or continued deviations from such Parameters shall constitute a violation of this Special Permit Approval.

- d. No Special Golf Events as defined in Findings Statement, i.e. no more than 500 persons on the golf club Property, including the golf course, at any one time and no golf events which attract or invite public spectators.
- e. Club championship tournaments, interclub golf events, and charitable golf events customarily held at private Westchester golf clubs shall be permitted, subject to the above limitations.
- f. Owner will record a Covenant and Restriction to the reasonable satisfaction of Village Counsel whereby it is acknowledged that the Golf Course and Clubhouse (Condo Unit 88) parcel shall be assessed as a separate fee simple lot and not restricted by the provisions of RPL §339-y, which assessment shall reflect the fair market value of said parcel.
- g. The maximum number of members and guests utilizing the clubhouse, in the aggregate, shall not exceed 400 persons at any one time.
- h. There shall be no daily fee play open to the general public, nor shall the restaurant be open to the general public.
- i. On the 10th day of the month, the owner or manager of the clubhouse facility shall file with the Village Clerk a list of events scheduled for the following month for use of the main dining room, listing the member-sponsor and the type of event or affair and the approximate number of expected guests, and similarly for the golf events. An additional post-event log shall be maintained confirming actual attendance at each event and submitted on the same monthly basis. A record of on-site staff employed by the owner/operator of the Clubhouse for all events shall be maintained and available for inspection by the Village during normal business hours.
- j. Quarterly, or as otherwise required by the Planning Board, the Golf Course Superintendent shall file with the Village Clerk a record of implementation of the Natural Resource Management Plan (NRMP) and Integrated Pest Management (IPM) Plan, including annual certification as a "Signature Course" by Audubon International, Inc., a record of the dates of the

application of fertilizers, pesticides and other management practices, records of pest and diseases on the site and actions taken to control, maintenance of drainage, detention, retention and water quality basins, filters, and all modifications to NRMP and IPM responses and protocols.

- k. Quarterly, or as otherwise required by the Planning Board, the Golf Course Superintendent shall file with the Village Clerk a record of implementation of the all surface and ground water testing and monitoring for quality and quantity, including monthly summaries of the amounts of precipitation, water pumped, used for irrigation. Immediate notification shall be provided to the Village of any action standards set forth in the NRMP or IMP which have been exceeded.
- l. Applicant shall establish a reasonable escrow account to reimburse the Village for all professional fees associated with the continuing review of the NRMP, IMP and water monitoring and testing reports by a consultant or consultants chosen by Village. Said funding is separate from any consultant fees associated with the monitoring of the construction process required as a condition of Site Plan Approval by the Planning Board.
- m. The Building Inspector, or his designee, shall have a right to make random inspections to determine compliance with the occupancy limitations provided in this Special Permit.
- n. The Applicant shall provide to the Village a restrictive covenant, in recordable form suitable for filing and prepared to the satisfaction of the Village Counsel, which covenant provides that in the event the golf club and course do not continue to function as a legal non-conforming "for profit" golf club or as a private membership club, (which shall not include a publicly owned golf course, or a golf course open to the general public for daily fee play, except if owned by the Village) the golf course and clubhouse (Unit 88) portion of the property may be used only for open space or recreational uses which preserve open space, and which uses shall be subject to the reasonable approval of the Village Board of Trustees, and conform to the then applicable zoning law.
- o. Total number of golf club memberships with full golf privileges shall not exceed 350, at any one time, including those individual or family memberships issued to employees of a corporate member. In addition, social or dining membership (with no golf privileges) shall not exceed 100 at any one time. Such social memberships shall not include the use of the pool or tennis facilities unless such members are also owners of a condominium unit. The Sponsor of the condominium project will offer first time buyers the right to purchase club memberships, if available.

- p. No guest units or employee units shall be provided in the clubhouse. Overnight accommodations may, however, be provided for the custodian or security director, if permitted in the site plan approval by the Planning Board.
- q. No more than 72 club or member-sponsored (no non-member-sponsored) functions, for 100 guests or more, will be scheduled during any calendar year, (not including up to 28 dinner events associated with golf outings on the days the golf course is closed) provided, however, there will be no more than 3 such events in any one week, and no more than one (1) such event per day. No more than 28 golf outings on the days the golf course is closed to members shall be held between April 1 and November 15 of any year, which outings may be sponsored by members or non-members.
- r. The hours of clubhouse operations and for terrace shall be as follows:

Clubhouse: 7am - 11pm (1:00 am on Friday and Saturday)
Terrace: 11am - 9pm
- s. Club to comply with restrictions on overflow parking for club and golf course events, including valet parking, in accordance with site plan.
- t. The golf course shall be made available for use by the Briarcliff Manor High School Golf Team for practice and competition on a schedule agreed to by the owner and the Briarcliff Manor School District. In addition, the golf course will be made available to the Village, on a mutually agreed date, for an annual golf outing sponsored by the Village Recreation Department.
- u. During off-season when the club is closed for golf, Village residents will be permitted to use designated areas of the golf course for the limited purposes of ice skating, walking, sledding and cross-country skiing, subject to reasonable regulations and rules adopted by the Owner/Operator, subject to the approval of the Village Recreation Department, which approval will not be unreasonably withheld. The Village will provide to Owner/Operator a certificate of general liability insurance for personal injury, death and property damage, naming the Owner/Operator as additional insureds in connection with any injury or damage occurring as a result of the said use of the golf course. The amounts of insurance shall be the same as carried by the Village with regard to its general policies of liability insurance.
- v. Owner will provide general liability insurance naming the Village as an additional insured as well as a full indemnification of the Village in written form satisfactory to the Village Counsel relative to claims, damages and causes of action arising or resulting from stray balls, golf cart crossings of

Village roads, and golf-related injury or damage to the on-site residential units and their occupants.

- w. Applicant will be responsible for constructing the off site replacement of the Dalmeny sanitary sewer collection line, construction of the new sanitary sewer lift station near Fountain Road, replacement of the Pine Road 12" water main, and reconstruction or renovation of the Pine Road Bridge and sidewalk which construction is to be in accordance with plans and specifications submitted by the Applicant's engineer on the basis of the final site plan and approved by the Village Engineer or the Village's consulting engineer (such approval not to be unreasonably withheld), and certified as in compliance by the applicant's engineer upon completion (with the usual Village performance bonding requirements to assure completion in accordance with the Village code and engineering requirements, including a two-year guarantee against defects in workmanship and materials in the form of a clean, irrevocable letter of credit in form and substance satisfactory to Village Counsel in an amount equal to ten (10%) percent of the cost of such off-site improvements), after which the improvements shall be dedicated to the Village. Provided the Village provides the applicant with timely access to the required rights-of-way for such off-site improvements, such improvements shall be completed by the Applicant prior to the issuance of any occupancy permits for the residential units and new golf clubhouse. The certificate of occupancy for the maintenance building shall not be subject to prior completion of the off-site improvements. However, a certificate of occupancy may be issued for temporary clubhouse structures pending completion of the new clubhouse once such off-site improvements have been completed. Any such temporary clubhouse structures shall be subject to site plan approval by the Planning Board.
- x. Upon completion of the drainage improvements which are incorporated in the Project Modifications, and certification by Applicant's engineer and the Village Engineer and consulting engineers that such improvements have been completed in compliance with the specifications contained in Site Plan Approval, the Applicant shall post with the Village a 10-year guarantee in the form of a performance bond in the sum of \$500,000, as security for the proper operation of the said improvements, in form and content reasonably satisfactory to Village Counsel.
- y(1). If deemed reasonably necessary by the Village Engineer and its consulting engineer that the Project Modifications with respect to the stormwater drainage improvements require replacement of the existing culvert to the extent it crosses Pleasantville Road, the Applicant will undertake such work in accordance with specifications prepared by Applicant's engineer, subject to the approval of the Village Engineer, which approval will not be unreasonably withheld. Such work shall be considered part of the off-site

in. .ucture improvements as outlined in paragraph 4(w) his
Resolution, and subject to the conditions of said provisions.

y(2). If the Village undertakes to make stormwater drainage improvements beyond the culvert crossing Pleasantville Road in order to improve drainage flows to the Pocantico River, Applicant will participate in the funding of the necessary work, including engineering studies and designs, to the extent of twenty-five (25%) percent of all such costs, but such amount shall not exceed \$50,000. Payment will be made within thirty (30) days of written request which request shall include a listing of the work included in the costs incurred by the Village.

z. Owner will comply with all conditions of Site Plan Approval, which are hereby incorporated by reference as though set forth at length herein.

aa. There will be no helicopter landings or takeoffs on the property, except for Medivac.

bb. Approval of Tree Protection Plan and Requirement of Bond (Performance).

5. Within 30 days of the first and second anniversary of the commencement of operation of the clubhouse and golf course (i.e. issuance of Certificate of Occupancy for either improvement, whichever occurs first)pursuant to this Special Permit, owner/operator of the clubhouse and golf course ("Owner/Operator") will appear before the Board of Trustees for a review of the past year's operations and compliance with the conditions of this Special Permit ("Compliance Review"). At least fifteen (15) days before the date of the appearance before the Board of Trustees for such Compliance Review, the Village shall advise the Owner/Operator of the information, data, and documents it reasonably wishes to have presented at the Compliance Review, including but not limited to number of member and club sponsored events and number of persons attending, number of rounds of golf played, number of non-member sponsored golf events held on days golf course is closed and number of attendees, use of overflow parking areas, use and capacity of water for irrigation system, materials used in fertilization, complaints received from neighboring property owners, and such other information as the Board of Trustees may deem reasonably necessary.

After the second anniversary of the commencement of operations, a Compliance Review shall be held by the Board of Trustees once every three years. Nothing contained herein shall limit or restrict the right of the Village to commence proceedings under Section 4(B)(L) of the Village Zoning Code, as amended.

6. Prior to the initiation of clearing and grading activities or other site improvements which could adversely impact the health of existing trees, the Board of Trustees reserves the right to make a final field inspection of the site and to require reasonable additional improvements or modifications to preserve, protect or

mitigate a loss of existing trees which may not have been evident during this current review.

7. This Special Permit approval shall expire and become void one (1) year from the date of the adoption of Site Plan Approved by the Planning Board if construction is not begun on this Project, or three (3) years from the date of adoption of such Site Plan Approval if substantial construction on the Project is not accomplished, or if the construction is not prosecuted with reasonable diligence; provided, however that such time periods may be extended by the Planning Board, and shall not apply to the construction of the condominium units and townhouses, which shall be subject to conditions, if any, as may be imposed by the Planning Board as part of such Site Plan Approval.
8. In accordance with Section 4(B). and G. of the Zoning Ordinance, this Special Permit Approval shall expire and become void if the proposed uses shall cease for more than one twelve (12) months for any reason, or if all required improvements are not completed for Site Development Plan Approval within the time period herein specified or if all such required improvements are not maintained and all conditions and standards are not complied with throughout the duration of the subject use.

Further, this Resolution of Special Permit Approval is issued in conjunction with, and conditioned upon obtaining and continued compliance with all conditions of, the Resolution of Site Development Plan Approval adopted by the Planning Board. This resolution of special permit approval shall expire and become void if Site Development Approval becomes invalid, unless Applicant, after being given ten (10) days written notice and an opportunity to be heard concerning any defects or non-compliance with the Site Development Plan conditions, cures such defects in a timely manner as determined by the Planning Board and the Board of Trustees.

9. This Special Permit shall not become effective or operative and no building permits or approvals for construction of improvements to the Property shall be issued unless and until Site Plan Approval has been granted by the Planning board and all conditions of such Site Plan Approval required to be completed before issuance of any building permits or approvals for construction of improvements have been fully satisfied as certified by the Village Engineer.

NOW THEREFORE, BE IT RESOLVED, that the above Findings Statement is hereby adopted.

VOTE: Ayes: I. Keith Austin
 Kathleen Rittinger
 Peter A. Borho
 Armando Alemany

Nayes: Bruce A. Burns

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January 10, 2000

Mayor Keith Austin and Members of the Board of Trustees
Village of Briarcliff Manor
1111 Pleasantville Road
Briarcliff Manor, NY 10510

Briar Hall Project

Dear Mayor Austin and Members of the Board of Trustees:

On behalf of Trump Briarcliff Manor Development, LLC (formerly Briar Hall Development, LLC) ("the applicant"), I would like to take this opportunity to describe certain modifications (the "Project Modifications") that the applicant proposes to the pending Briar Hall project application.

1. Reduction in Clubhouse Dining Areas

As noted in the Supplemental Findings Statement of the Planning Board dated December 2, 1999, the proposed Clubhouse of approximately 44,300 sq. ft. was to contain dining areas (dining room, dining pavilion, bar/grill) totalling approximately 9,300 sq. ft. The applicant now proposes to reduce the area of the clubhouse by 2000 sq. ft., with all of this reduction to come from these dining areas.

2. Reduction in Size of 31 Unit Condo Building

The proposed 31-unit condo building parallel to Dalmeny Road was to have four residential stories. In response to comments received from the Trustees and the public, the applicant now proposes, at your request, to reconfigure this building to eliminate the top residential floor while retaining the same building footprint.

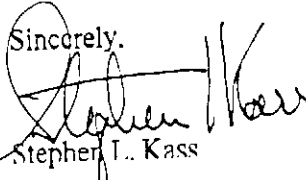
Mayor Keith Austin and Members of the Board of Trustees

-2-

3. Reduction In Stormwater Flows

As was discussed at the public hearing on the Briar Hall project on January 6, the applicant agrees to have the special permit conditioned upon a verification by the Village Engineer and Village Consultants that the golf course project will reduce the peak rate of stormwater discharges at "Design Point C-1" by a minimum of 15% compared to existing conditions. In addition, if the Village Engineer determines that the Pleasantville Road culvert conveying such stream flow does not meet the Village's standards for stormwater design, the applicant would pay to upgrade or replace that culvert, to the extent it crosses Pleasantville Road, to current Village standards.

Thank you for your continued attention to this application.

Sincerely,

Stephen L. Kass

SLK:kr

cc: Lawrence Dittelman, Esq.

931547-1

1-10-0 : 15:27 :

SENT BY:

RESOLUTION
VILLAGE OF BRIARCLIFF MANOR
PLANNING BOARD
Adopted June 13, 2000

RE: **TRUMP/BRIAR HALL GOLF COURSE AND RESIDENTIAL DEVELOPMENT: RESOLUTION OF PRELIMINARY AND FINAL CONSERVATION SUBDIVISION PLAT APPROVAL, SITE PLAN APPROVAL AND WETLANDS PERMIT APPROVAL**

WHEREAS, the Planning Board has received applications from Trump Briarcliff Manor Development, LLC, formerly Briar Hall Development, LLC (the "Applicant" and "Property Owner") for Conservation Subdivision Plat Approval, Site Plan Approval, and a Wetlands Permit, for a project consisting of the following (the "Project"):

1. A maximum of eighty-seven (87) residential units and comprised of sixteen (16) condominium town homes, a thirty-one (31) unit residential condominium building, and a forty (40) unit residential condominium building in accordance with plans prepared by Devereaux Associates, said plans listed on Attachment A hereof: the total maximum number of bedrooms for the residential units shall be two hundred forty seven (247) bedrooms with no more than 3 bedrooms in any one dwelling unit;
2. A clubhouse building of approximately 42,300 square feet, as per plans prepared by Robert Lamb Hart, said plans listed on Attachment A hereof;
3. A maintenance building, a tennis pavilion structure, tennis courts, and pool house structure, a gate house and swimming pool as indicated on plans prepared by Robert Lamb Hart and/or Devereaux Associates, and an irrigation pump house on plans by Langan Engineering, said plans listed on Attachment A hereof;
4. A temporary clubhouse as shown on the temporary clubhouse architectural plans (including floor plan and elevations) and on the site plan prepared by TRC/Raymond Keyes Associates, said plans listed on Attachment A hereof;
5. The renovation and expansion of the existing golf course including all pertinent facilities including relocated driving range as per plans prepared by Jim Fazio golf course architect and TRC/Raymond Keyes Associates, said plans listed on Attachment A hereof (the five items listed above constitute the "Project"); and

WHEREAS, the 147.14-acre property consists of the following parcels:

TRUMP/BRIAR HALL COUNTRY CLUB
RESOLUTION OF CONSERVATION SUBDIVISION PLAT, SITE PLAN, WETLANDS APPROVAL

1. Parcel 1 – 96.78 acres on the north side of Pine Road with frontage on Dalmeny, Sycamore and Tulip Roads, identified on Village Tax Maps as parcels 4.19-012-8, 4.19-012-10 and 4.21-013-7;
2. Parcel 2 – 18.90 acres south of Pine Road with additional frontage on Pine, Birch, Elm and Plumwood Roads, identified on Village Tax Maps as parcels 4.27-020-8;
3. Parcel 3 – 29.03 acres with frontage on Elm and Long Hill Roads, identified on Village Tax Maps as parcels 4.29-021-7; 4.29-021-8, and 4.29-021-12A; and
4. Parcel 4 - 0.77 acres located on 91 Pine Road, identified on Village Tax Maps as parcels 4.21-013-10; and
5. Parcel 5 - 1.66 acres, located at 81 Pine Road, identified on Village Tax Maps as parcels 4.21-013-11; and

WHEREAS, the Project has been subject to a coordinated review conducted by the Village of Briarcliff Manor Planning Board, as the Lead Agency with respect to this action, which Project has involved the preparation of a DEIS and FEIS, and the Planning Board, as Lead Agency, has adopted a Findings Statement dated May 7, 1999 and a Supplemental Findings Statement dated December 2, 1999; and

WHEREAS, the Supplemental Findings Statement concluded that significant adverse impacts identified in the May 7 Findings Statement had been satisfactorily avoided, minimized or mitigated by the Project Revisions as defined in the Findings Statement; and

WHEREAS, the Project is fully described in the EIS, the Findings Statements, all materials and submissions in support thereof, and subsequent submissions listed in Attachment A; and

WHEREAS, prior to action on the conservation subdivision plat, site plan and wetlands permit applications, certain legislative or other actions were required by the Briarcliff Manor Village Board of Trustees, and said Board has received and conditionally approved applications in connection with this matter as described below:

TRUMP/BRIAR HALL COUNTRY CLUB
RESOLUTION OF CONSERVATION SUBDIVISION PLAT, SITE PLAN, WETLANDS APPROVAL

1. A text amendment to Section 7.A.1 of the Village Zoning Law adopted pursuant to resolution dated January 10, 2000;
2. A text amendment to Section 7.A.4 of the Village Zoning Law adopted pursuant to resolution dated January 10, 2000;
3. The adoption of a Resolution of Special Permit Approval on January 10, 2000 relative to the proposed Project;
4. A resolution dated January 10, 2000 by the Village Board of Trustees authorizing the Planning Board to modify applicable provisions of the Zoning Law to permit a Conservation Subdivision Plat in accordance with the provisions of Section 4(C) of the Zoning Law;
5. A petition to the Westchester County Board of Legislators for removal of the Briar Hall property from the Saw Mill Sewer District and its addition to the Ossining Sewer District;
6. The adoption of a Resolution of Tree Protection Plan and Tree Removal Permit Approval on May 18, 2000; and

WHEREAS, the Applicant has applied for and received confirmation of the requisite permit(s) from the U.S. Army Corps of Engineers; and

WHEREAS, on May 22, 2000 by Act No. 110, the Westchester County Board of Legislators approved the petition by the Village to remove the Briar Hall property from the Saw Mill Sewer District and add it to the Ossining Sewer District; and

WHEREAS, the Applicant, as directed by the Planning Board, has submitted architectural drawings and materials samples to the Village Architectural Review Advisory Committee (ARAC) as listed in Attachment A hereof, and said Committee has reviewed the plans and reported upon same to the Planning Board by letter dated March 8, 2000; and

WHEREAS, the Planning Board held duly advertised public hearings on Conservation Subdivision Plat , Site Plan and Wetlands Permit Approval for the Project on October 29, 1997; March 11, 1999; July 15, 1999; February 8, 2000; March 14, 2000; April 11, 2000; and May 9, 2000, at the Village of Briarcliff Manor Municipal Building at which time all those

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wishing to be heard were given the opportunity to be heard and the public hearings were adjourned, re-advertised and continued on May 31, 2000, at which time they were closed; and

WHEREAS, the Planning Board visited the Property on several occasions, is familiar with the site and all aspects of the proposed action and has been satisfied that, subject to the conditions contained herein, the proposed development will conform to the requirements of the Village Zoning Law, Subdivision Regulations and the Village Wetlands Law; and

WHEREAS, the Planning Board has referred the application to and considered the comments of the Village Engineer and consulting engineers, the Village Planner, the Village Counsel, the Conservation Advisory Committee, the Architectural Advisory Review Council (ARAC), the Fire Department Site Plan Review Committee, the Police Department and the Village Board of Trustees; and

WHEREAS, as Lead Agency and in accordance with the requirements of Part 617 of the SEQRA regulations promulgated by the New York State Department of Environmental Conservation, the Planning Board adopted a Findings Statement on May 7, 1999 and a Supplemental Findings Statement on December 2, 1999 with respect to the Project, as mentioned above, which Findings Statements are included by reference as if fully set forth herein; and

WHEREAS, the Board of Trustees adopted its own involved agency Findings Statement on January 10, 2000; and

WHEREAS, pursuant to Section 239 of GML and Section 277.61 of the Westchester County Administrative Code, the application has been referred to the Westchester County Planning Department for its review and comment; and

WHEREAS, Westchester County Planning Department has responded by letters dated January 6, 2000 and March 15, 1999, with comments which have been addressed by the Special Permit conditions and the conditions set forth below; and

WHEREAS, the viewshed and vistas of and across the Briar Hall Golf Course as experienced from the abutting and surrounding roads of Pine, Dalmeny, Elm, Long Hill Road East, Birch, Plumwood, and Pleasantville are an integral part of the Village's identity and its open space and community character; and

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WHEREAS, these features and the subject property have specifically been identified in the Village's Master Plan and recommended for preservation to the extent possible, which findings of the Master Plan led to the basic premise that any development of the golf course property should be required to implement the principles of cluster development so as to preserve the golf course and its open space as a central open space feature within the Village; and

WHEREAS, more specifically, the Master Plan states:

"Part of the reaffirmation of the 1958 Plan should be a recognition of the need to preserve the basic low-density single-family character of the developed portions of the Village. Thus, the introduction of any form of multi-family or attached housing whatsoever into the areas of Briarcliff Manor which are already substantially developed with single-family residential character should be carefully used to preserve open space. This would include the rejection of the so call "clustered" or attached "townhouse" type of single-family residence (Village Law Section 7-738) within the "heartland" area of the Village unless such development can be located deep within the particular site and virtually surrounded with and hidden from public view by open space. Unless such clustered housing can be screened from public view and open space can be preserved on the circumference of the development site (for a feeling of openness and low density) the character change can be detrimental."; and

WHEREAS, these principles led the Planning Board in 1988, and as set forth in its decision of October 17, 1988, to reject a conventional single-family development of the golf course site, and to require that any residential units be clustered toward the center of the property so that they would remain largely unobservable from adjoining roadways; and

WHEREAS, the Property and the preservation of the golf course are essential parts of the Village character and open space network; and

WHEREAS, the primary benefit of the proposed Conservation Subdivision Plat and site plan development plan relative to a conventional subdivision is the preservation of approximately 135 acres as permanent open space, including the associated visual and recreational benefits, and increased buffers from new dwelling units to adjacent properties; and

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WHEREAS, other important benefits of this Project to the Village include, but are not necessarily limited to, the following:

1. An upgraded golf course;
2. A new clubhouse;
3. Increased wetlands and ponds and associated fringe wetlands for a net benefit in water quality;
4. Improved area drainage and reduced rates of stormwater runoff and potential for erosion and flooding;
5. Elimination of the use of the Village potable water supply for irrigation;
6. Implementation of the Natural Resource Management Plan (NRMP) and Integrated Pest Management (IPM) Plan, including annual certification as a "Signature Course" by Audubon International, Inc., resulting in significant improvements in the use and application of fertilizers, pesticides and other management practices for the protection of the environment;
7. Elimination of existing guest suite accommodations in the clubhouse;
8. Reduction in the size of the clubhouse from 65,350 square feet to 42,300 square feet;
9. Recorded restrictions on the use, maximum occupancy and operations of the golf course and clubhouse where none currently exist;
10. Recorded agreement for most favorable (for the Village) tax assessment of the golf club portion of the development based on fair market value and an increased tax base;
11. Off-site improvements including new and upgraded water and sewer lines, upgrading and replacement of the existing Pine Road sewer pump station, replacement of the Pine Road bridge, construction of sidewalks, a \$36,000 contribution to the signalization/improvements to the intersection of Pleasantville and South State Roads, replacement of the existing culvert crossing beneath Pleasantville Road and a cash contribution of at least 25% and up to \$50,000 toward the planned downstream pipe

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improvements and improved stormwater runoff channel to the Municipal parking lot on the west side of Pleasantville Road to reduce and control erosion;

12. The preparation and submittal of monthly reports on the usage of the clubhouse and quarterly reports on the implementation and compliance with the NRMP and IPM plans as well as surface and ground water monitoring; and
13. The Applicant shall keep on site up to date logs and records of all chemical and fuel usage. The Applicant shall also notify the Village Engineer as well as NYSDEC of any chemical or fuel spill/mishaps. The Applicant shall take immediate corrective steps to correct said incidences; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- I. The Planning Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
- II. The Planning Board has found that a proper case exists for requiring such reservation of land for park and recreational purposes to meet the anticipated needs and demands of the residents of the project for such lands and facilities, that no appropriate lands exist to set aside for such purposes and that a fee in-lieu of the reservation of such lands shall be required in the amount of \$435,000 (\$5,000 for each of the 87 dwelling units), provided that if not paid within two (2) years from date of this resolution, the Applicant shall then pay such greater amount as may be applicable at the time of the required payment as set forth herein.
- III. The Planning Board hereby determines that the final conservation subdivision plat will be substantively unchanged from the preliminary conservation subdivision plat and that there will not be a need for a public hearing on the final conservation subdivision plat application.
- IV. Consistent with the provisions of Section 7-738 of the Village Law and Section 4(C) of the Village Zoning Law, the Planning Board hereby waives and modifies the requirements of the Zoning Law only as necessary to achieve the objectives and benefits set forth herein and as appropriate to authorize the Project as described and set forth herein and subject to all of the plans in Attachment A (as required to be amended), and subject to all conditions of this approval.

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- V. The Planning Board hereby grants Preliminary and Final Conservation Subdivision Plat Approval, Site Plan Approval and Wetland Permit Approval to the Project as defined herein and above in accordance with the provisions of Section 7-738 of the Village Law and Section 4(C) of the Village Zoning Law, Section 6(A) of the Zoning Law and in accordance with the Village Wetlands Law, respectively, subject to the following conditions and modifications which shall be fulfilled, as provided below, prior to commencement of any site improvements in connection with the Project:

A. ENDORSEMENT AND FILING OF FINAL CONSERVATION SUBDIVISION PLAT

1. No residential construction shall be initiated until the Planning Board Chairman signs the Conservation Subdivision Plat and said plat is filed with the Westchester County Clerk's Office and the following revisions and modifications have been fulfilled:
 - a. Submission by the Applicant of a revised Final Conservation Subdivision Plat in accordance with and compliance with all requirements of Section 410 of the Land Subdivision Regulations.
 - b. Updating and submission of the final conservation subdivision plat with new revision dates and signed and sealed by a land surveyor licensed in the State of New York.
 - c. Applicant's procurement and submittal to the Village of all applicable permits from the New York State Department of Environmental Conservation (water quality certification, SPDES stormwater general permit, and protection of waters permit).
 - d. Endorsement of the Final Conservation Subdivision Plat by the Westchester County Department of Health.
 - e. Submission by the Applicant of a statement signed by the Village Tax Collector that all taxes due on the Property have been paid in full.

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- f. The following note shall be added to the Final Conservation Subdivision Plat and same shall be added to the Village's Zoning Map in accordance with Village Law Section 7-738:

"Reserved for recreation, open space conservation, and natural resources protection. These lands are not available for the construction of additional dwelling units or other improvements, but may be used for open space recreational purposes, which preserve open space, as may be approved by the Board of Trustees.

"These lands are also subject to a declaration of restrictions and covenants required as part of the approval of this conservation subdivision plat and the related site development plan and special use permit approval. Said covenants and restrictions ensure the following:

- "a. That the Golf Course and Clubhouse parcel (Condominium Unit 88) shall be assessed as a separate fee simple lot and not restricted by the provisions of Real Property Law (RPL) §339-y, which assessment shall reflect the fair market value of said parcel.*
- "b. That in the event the Golf Course and Clubhouse do not continue to function as a legal non-conforming "for-profit" golf club or as a private membership club (which shall not include a publicly-owned golf course, or a golf course open to the general public for daily fee play, except if owned by the Village) the golf course and clubhouse (Unit 88 portion of the property) may be used only for open space or recreation uses which preserve open space, and which uses shall be subject to the reasonable approval of the Village Board of Trustees, and conform to the then applicable Zoning Law.*
- "c. That the Golf Course and Clubhouse parcel (Condominium Unit 88) will not be further subdivided, acknowledging that all development rights of the Property under existing zoning, including the Unit 88 parcel, have been exhausted and no*

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further development rights exist for the Property under existing zoning.

“d. That the Planning Board resolution shall supersede and render void the prior conservation subdivision plat/site plan approval by resolution dated November 17, 1988 and filed as Map #24078.””

- g. Revision of the Conservation Subdivision Plat such that the property shall be reconstituted as, and shall remain in, one parcel.
 - h. Revision of the Conservation Subdivision Plat to show easements to the Village for maintenance, water and sewer mains to each building, ten (10) feet on either side of a single pipe and fifteen (15) feet on either side of multiple pipes, or as otherwise required by the Village Engineer.
 - i. The final conservation subdivision plat shall be revised to include the standard notations including, but not limited to, drainage easements, utilities, sight distance easements, no future dedication of roads to the Village, the owner's endorsement, as set forth in the Village's Subdivision Regulations all to the satisfaction of the Village Engineer.
 - j. Payment of recreation fees in the amount of \$217,500 by the Applicant to the Village representing fifty percent (50%) of the currently applicable recreation fees that are to be paid for the eighty-seven (87) residential units. The balance of the recreation fees to be paid by the Applicant prior to issuance of the first Building Permit for either the 31-unit or the 40-unit condominium buildings.
2. This Conservation Subdivision Plat Approval shall not become effective or operative and no building permits or approvals for construction of residential improvements to the Property shall be issued unless and until all conditions of such Conservation Subdivision Plat Approval required to be completed before issuance of any residential building permits or approvals for construction of residential improvements have been fully satisfied as certified by the Village Engineer.

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3. Final Conservation Subdivision Plat approval shall expire one hundred eighty (180) days from the date of the adoption of this Resolution unless the requirements listed in Section A.1 above have been completed to the satisfaction of the Planning Board and the plat has been submitted for signature. The Planning Board may, however, extend the time in which the requirements must be fulfilled and said plat is to be submitted for signature for up to two (2) additional periods of ninety (90) days each if, in its opinion, the particular circumstances warrant such extension(s).
4. The Final Conservation Subdivision Plat shall be filed in the Westchester County Clerk's Office (Division of Land Records) within sixty-two (62) days of the date of the endorsement of said plat by the Planning Board Chairman.

B. CONSTRUCTION OF GOLF COURSE AND TEMPORARY CLUBHOUSE

Construction of the proposed golf course improvements, the maintenance building, the irrigation system, all associated ancillary facilities, and construction of the temporary clubhouse facility (exclusive of any utility improvements on Parcel 1 that also require the approval of the Westchester County Health Department) may proceed upon signing of this Resolution and proof of compliance, satisfactory to the Village Engineer and Village Counsel, respectively, with the conditions listed hereunder below provided that:

1. No construction of any building or structure, other than the maintenance building and the irrigation system and pump house, shall be initiated until the Planning Board Chairman signs the Conservation Subdivision Plat and said plat is filed with the Westchester County Clerk's Office.
2. Applicant's receipt of all applicable permits from the New York State Department of Environmental Conservation (water quality certification, SPDES stormwater general permit, and protection of waters permit).
3. As agreed and stipulated to by the Applicant, establishment of a single escrow account that will reimburse the Village of Briarcliff Manor for all professional costs incurred by the Village subsequent to the granting of the necessary Village approvals associated with the construction monitoring and inspection

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and the review of application materials for compliance with the conditions of the approvals, including but not necessarily limited to the following:

- a. Excavation permit - All inspection and monitoring normally associated with the excavation permit process in place of the otherwise applicable fee of \$30,000, as per local law (to cover \$500 application fee and \$29,500 for earth movement as outlined in the construction sequence schedule (see Attachment B hereof));
- b. Blasting permit - All inspection and monitoring normally associated with the blasting permit process (in place of the otherwise applicable fees pursuant to the Blasting Law, Local Law # 1 of 1998);
- c. Engineering inspection and monitoring for all on-site and off-site improvements (assumed to require the equivalent of at least 48 man hours per week during the peak construction period and at least 24 man hours per week during the off-peak construction period pursuant to the construction sequencing schedule (see Attachment B));
- d. Environmental monitoring fees and associated direct costs through the completion of the construction and grow-in process until the issuance of the Certificate of Occupancy for the temporary clubhouse and authorized use of the golf course;
- e. Planning, landscape, traffic and legal consulting review fees, as may be reasonably required by the Village, to ensure compliance with the conditions of the approvals and any other review costs associated with the construction and inspection process;
- f. Village Administration fees (said fees to be incurred at a rate of 10 percent (10%) of the invoices rendered for items B.3.a through B.3.e above);
- g. The escrow account shall be funded by the Applicant prior to the start of construction with an initial payment of \$50,000. The escrow account shall be replenished by the Applicant to a total net balance of at least \$50,000 within ten (10) business days of Applicant's receipt of written

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notice from the Village that such account has fallen below \$25,000. Failure to replenish the escrow account in accordance with this resolution shall represent a violation of this approval and will result in a stop-work order being issued on the Project.

4. As agreed and stipulated to by the Applicant, establishment of an escrow account that will reimburse the Village of Briarcliff Manor for all professional review costs subsequent to the granting of the necessary Village approvals associated with the continued review, monitoring and associated inspection of the NRMP, IPM and water monitoring and testing reports by a consultant or consultants chosen by Village. Said funding is separate from any consultant fees associated with the monitoring of the construction process required as a condition of Site Plan Approval by the Planning Board.

The escrow account shall be funded by the Applicant prior to the start of construction with an initial payment of \$10,000. The escrow account shall be replenished by the Applicant to a total net balance of at least \$10,000 within ten (10) business days of Applicant's receipt of written notice from the Village that such account has fallen below \$5,000. Failure to replenish the escrow account in accordance with this resolution shall represent a violation of this approval and will result in a stop-work order being issued on the Project.

5. Payment by Applicant of \$36,000 toward the planned improvements at the South State Road and Pleasantville Road intersection.
6. If the Village advises the Applicant that the Village plans to make stormwater drainage improvements beyond the culvert crossing Pleasantville Road in order to improve drainage flows to the Pocantico River, the Applicant shall confirm in writing its agreement to participate in the funding of the necessary work, including engineering studies and designs, to the extent of twenty-five percent (25%) of all such costs, but such amount shall not exceed \$50,000, plus reasonable engineering fees to study and design the required culvert crossing under Pleasantville Road. Payment will be made within thirty (30) days of written request which request shall include a listing of the work included in the costs incurred by the Village. Failure to make such payment shall be grounds to issue a stop work order.

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7. Recording by Applicant of Covenants and Restrictions in form satisfactory to Village Counsel which provides for the following:
 - a. That the Golf Course and Clubhouse parcel (Condominium Unit 88) shall be assessed as a separate fee simple lot and not restricted by the provisions of Real Property Law (RPL) §339-y, which assessment shall reflect the fair market value of said parcel.
 - b. That in the event the Golf Course and Clubhouse do not continue to function as a legal non-conforming “for-profit” golf club or as a private membership club (which shall not include a publicly-owned golf course, or a golf course open to the general public for daily fee play, except if owned by the Village) the golf course and clubhouse (Unit 88 portion of the property) may be used only for open space or recreation uses which preserve open space, and which uses shall be subject to the reasonable approval of the Village Board of Trustees, and conform to the then applicable Zoning Law.
 - c. That the Golf Course and Clubhouse parcel (Condominium Unit 88) will not be further subdivided, acknowledging that all development rights of the Property under existing zoning, including the Unit 88 parcel, have been exhausted and no further development rights exist for the Property under existing zoning.
 - d. *That the Planning Board resolution shall supersede and render void the prior conservation subdivision plat/site plan approval by resolution dated November 17, 1988 and filed as Map #24078.*

Applicant shall provide a title report covering all of the property to be encumbered to the satisfaction of the Village Counsel. The Covenants and Restrictions shall not be subordinate to any liens or financing on the Property. Any lienholder or lender must consent to the Covenants and Restrictions in a writing to be recorded with or as part of the Covenants and Restrictions.

8. In accordance with the provisions of Section 241 of the Subdivision Regulations, posting of an erosion control and performance bond, in form satisfactory to Village Counsel, to guarantee the implementation and

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maintenance of soil erosion controls as shown on the drawings listed in Attachment A hereof and to ensure the proper construction of both on-site and off-site improvements as set forth in the approved plans in an amount equal to 100% of the estimated improvement costs based upon a schedule of values to be reviewed and approved by the Village Engineer, said performance bond to be reduced based on percent completion as requested by the Applicant and approved by the Village Engineer and Planning Board, but not to an amount less than 25% of the initial amount. Said 25% shall be retained as a maintenance bond for a period of two (2) years from the date of completion and acceptance of such improvements by the Village.

9. Posting of a tree protection bond in form satisfactory to Village Counsel in accordance with the Resolution of Tree Protection Plan and Tree Removal and Clearing Permit Approval adopted by the Board of Trustees.
10. Installation of erosion control facilities and tree protection fencing in accordance with the erosion control plan and construction sequence plan to the satisfaction of the Village Engineer or his designee.
11. Inspection and approval, in the field, of the erosion control and tree protection measures by the Planning Board's representatives and/or its consultants. Prior to the initiation of clearing or tree removal and grading activities or other site improvement which could adversely impact the health of existing trees, the Planning Board reserves the right to require reasonable adjustments to construction plans to further preserve, protect or mitigate the loss of existing trees, to the extent such adjustment can be reasonably accommodated by the Applicant.
12. Grading and Drainage Plans SD9 through SD13 shall be revised in accordance with the May 3, 2000 comments from the Village's Consulting Engineer, Leonard Jackson Associates to the satisfaction of the Village Engineer in consultation with the consulting engineer.
13. All proposed on-site utility easements shall be identified on the site plan and conservation subdivision plat to the satisfaction of the Village Engineer and easement language, metes and bounds and restoration requirements shall be prepared to the satisfaction of the Village Counsel, subject to revision and correction as necessary based upon an as-built survey.

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14. The Applicant shall prepare construction drawings certified by a licensed professional engineer for all proposed cart bridges over the gorge area as per the site specific brochure as shown on the plans and materials identified in Attachment A, or equal, provided to the Planning Board, to the satisfaction of the Village Engineer and the Planning Board prior to any construction activities associated with or in the vicinity of the proposed bridges. No changes to style or type of structure shall be made without Planning Board approval.
15. The Applicant shall prepare construction drawings certified by a licensed professional engineer for the proposed "Evergreen Wall" retaining walls, as shown on the plans and materials identified in Attachment A, or equal, to the satisfaction of the Village Engineer and the Planning Board prior to any construction activities associated with or in the vicinity of the proposed retaining walls.
16. The sewer plans and profiles shall be modified to eliminate the proposed deep drop manhole in the vicinity of the Maintenance Building to the satisfaction of the Village Engineer.
17. The site layout plans shall be modified to satisfy the requirements of the New York State Uniform Fire Prevention and Building Code, as it pertains to the number, location and size of handicap accessible parking spaces.
18. The Water Quality drawings BMP1 through BMP3 shall be revised in accordance with the May 8, 2000 letter from the turf management consultant, Environmental and Turf Services, Inc., to the satisfaction of the Village Engineer and the Planning Board.
19. The site lighting plans LT1 and LT2 shall be revised to address the comments contained in the May 30, 2000 memorandum from the Village lighting consultant, Max Marxreiter to the satisfaction of the Village Engineer and the Planning Board. The final lighting plan shall be submitted at least three (3) months prior to installation for final review and approval by the Planning Board.
20. The landscaping plans L1 through L10 shall be revised to address the comments contained in the Village's Planning Consultant memorandum of

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May 5, 2000 and May 31, 2000 to the satisfaction of the Village Engineer and for final review and approval by the Planning Board.

21. The site plan drawings shall be revised to identify the location of the 47 valet parking spaces to the satisfaction of the Village Engineer and the Planning Board.
22. The site plan shall be revised to identify the location and area of any proposed decking for the temporary clubhouse to the satisfaction of the Village Engineer and the Planning Board.
23. A note shall be added to the temporary clubhouse plans indicating that the temporary clubhouse shall be removed within sixty (60) days of receipt of a Certificate of Occupancy for the permanent clubhouse. The note shall also state that all temporary structures shall be removed and the site of such temporary structures shall be restored to the satisfaction of the Village Engineer if site construction ceases for more than sixty (60) days for reasons other than force majeure events.
24. The Applicant shall prepare and submit a Maintenance and Protection of Traffic (MPT) Plan including, but not limited to, signage, the assignment and location of flaggers, temporary pavement markings, road cleaning and truck wash-down facilities, and the coordination of the routing and timing of construction traffic and traffic control (including avoiding school and peak commuter periods) to the reasonable satisfaction of the Village staff, Police Department and consultants. Said plan shall be made part of the complete drawing set. Said plan shall include an agreement to make changes or additions to the plan at the discretion of the Village Engineer or Police Department as may otherwise be deemed reasonably necessary during the construction process. The Applicant shall make every reasonable effort to reduce the movement of material between parcels to minimize any adverse impacts.
25. The hours of construction activity shall be limited in accordance with local law.
26. The following note shall be included on the Site Plan and same shall be added to the Village's Zoning Map in accordance with Village Law Section 7-738:

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“Reserved for recreation, open space conservation, and natural resources protection. These lands are not available for the construction of additional dwelling units or other improvements, but may be used for open space recreational purposes, which preserve open space, as may be approved by the Board of Trustees.

“These lands are also subject to a declaration of restrictions and covenants required as part of the approval of this conservation subdivision plat and the related site development plan and special use permit approval. Said covenants and restrictions ensure the following:

- “a. That the Golf Course and Clubhouse parcel (Condominium Unit 88) shall be assessed as a separate fee simple lot and not restricted by the provisions of Real Property Law (RPL) §339-y, which assessment shall reflect the fair market value of said parcel.*
- “b. That in the event the Golf Course and Clubhouse do not continue to function as a legal non-conforming “for-profit” golf club or as a private membership club (which shall not include a publicly-owned golf course, or a golf course open to the general public for daily fee play, except if owned by the Village) the golf course and clubhouse (Unit 88 portion of the property) may be used only for open space or recreation uses which preserve open space, and which uses shall be subject to the reasonable approval of the Village Board of Trustees, and conform to the then applicable Zoning Law.*
- “c. That the Golf Course and Clubhouse parcel (Condominium Unit 88) will not be further subdivided, acknowledging that all development rights of the Property under existing zoning, including the Unit 88 parcel, have been exhausted and no further development rights exist for the Property under existing zoning.*
- “d. That the Planning Board resolution shall supersede and render void the prior conservation subdivision plat/site plan approval by resolution dated November 17, 1988 and filed as Map #24078.*

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27. The Applicant shall submit a statement signed by the Village Tax Collector that all taxes due on the Property have been paid in full.
28. The sequence of golf course, clubhouse and residential construction activities shall subject to market conditions, substantially adhere to the construction sequencing schedule provided in Attachment B hereof.
29. The list of plans, Appendix A, shall be revised to identify the latest revision dates of the plans revised in accordance with this resolution of approval as well as the preparer of each plan.
30. Applicant shall make at least weekly inspections of all soil and erosion control measures. The Applicant shall also inspect all said erosion and sedimentation control measures before and after each rain/snow event. Any deficiencies shall be immediately corrected to the satisfaction of the Village Engineer or his designee.
31. A Certificate of Occupancy for the maintenance building shall not be issued until all permanent chemical and fuel handling equipment and safety devices have been installed, inspected and certified to be in proper working order by a licensed professional engineer to the satisfaction of the Village Engineer.
32. The Applicant shall prepare a schedule of building height limitations which reflect the building drawings and elevations approved by the Planning Board, which schedule shall specify the maximum building heights as measured to the ridgeline and also the mean point between the eave and the ridgeline, to the reasonable satisfaction of the Village Engineer.

C. USE OF THE GOLF COURSE AND TEMPORARY CLUB HOUSE

1. The golf course shall not be used for golfing purposes until the golf course has been completed substantially in accordance with all approved plans and the conditions of this resolution, and until the issuance of a Certificate of Occupancy for a temporary clubhouse constructed in accordance with all approved plans and the conditions of this resolution.

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2. No Certificate of Occupancy shall be granted for the temporary clubhouse, and therefore the golf course shall not be utilized, until the following conditions are satisfied:
 - a. All golf course improvements have been substantially implemented to the satisfaction of the Village Engineer in accordance with the approved plans.
 - b. Receipt of the applicable approvals from the Westchester County Health Department for completion of construction by Applicant of the off-site replacement of the Dalmeny sanitary sewer collection line, upgrading and replacement of the existing Pine Road sanitary sewer lift station, replacement of the Pine Road 12" water main, and replacement of the Pine Road Bridge and sidewalk, and replacement of the culvert beneath Pleasantville Road. Said construction is to be substantially in accordance with all plans and specifications which have been submitted by the Applicant's Engineer and approved by the Village Engineer or the Village's consulting engineer, said plans and specifications being listed on Attachment A, and which shall be certified as in substantial compliance by the Applicant's Engineer upon completion, including the delivery to the Village of a two-year guarantee against defects in workmanship and materials in form satisfactory to Village Counsel. The Certificate of Occupancy for the irrigation system, pump house and the maintenance building shall not be subject to prior completion of the off-site improvements.
 - c. Upon completion of the drainage improvements and certification by Applicant's Engineer and the Village Engineer and consulting engineers that such improvements have been completed in substantial compliance with the specifications contained herein and in Attachment A hereof, the Applicant shall post with the Village a ten (10) year guarantee in the form of a performance bond in the sum of \$500,000, as security for the proper operation (i.e., by achieving at least a fifteen percent (15%) reduction in peak stormwater discharge rates at "Design Point C-1" as compared to current conditions) of the said improvements in form and content satisfactory to Village Counsel. The Owner shall be responsible for conducting field inspection reports and necessary computations every two (2) years demonstrating that the system has been constructed

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and maintained to achieve the 15% minimum reduction. The Owner shall make all necessary improvements, following appropriate design and study as necessary, to the reasonable satisfaction of the Village Engineer and the Planning Board, all at the expense of the Owner.

- d. The Property Owner has provided general liability insurance naming the Village as an additional insured as well as a full indemnification of the Village in written form satisfactory to the Village Counsel relative to claims, damages and causes of action arising or resulting from stray balls, golf cart crossings of Village roads, and golf-related injury or damage to the on-site residential units and their occupants.
- e. Applicant has provided as-built drawings of the golf course infrastructure improvements and off-site infrastructure improvements and appropriate engineers' certificates.
- f. Provision of a written statement from the Golf Course Superintendent specifying compliance with the specific limitations and restrictions on storage of pesticides, fertilizers, chemicals and fuel in accordance with the NRMP.
- g. Execution and delivery of a written license agreement providing for the following:

During off-season when the club is closed for golf, Village residents will be permitted to use designated areas of the golf course for the limited purposes of ice skating, walking, sledding and cross-country skiing, subject to reasonable regulations and rules adopted by the Property Owner, subject to the approval of the Village Recreation Department, which approval will not be unreasonably withheld. The Village will provide to Property Owner a certificate of general liability insurance for personal injury, death and property damage, naming the Property Owner as additional insured in connection with any injury or damage occurring as a result of the said use of the golf course. The amounts of insurance shall be the same as carried by the Village with regard to its general policies of liability insurance. The golf course shall be made available for use by the Briarcliff Manor High School golf team for practice and competition for two (2) weekday afternoon.

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practice sessions per week after 2:30 PM and six (6) weekday afternoon matches after 2:30 PM during the months of April and May. In addition, the golf course shall be made available to the Village, on a mutually agreed date for an annual golf outing sponsored by the Village Recreation Department no later than October 31st of each year.

The provisions of the license agreement shall be subject to the reasonable approval of the Village Counsel.

- h. Submission by the Applicant of a written statement acceptable to the Planning Board and Village Counsel addressing the disposition, ownership, tax status relationship, and maintenance responsibilities of the individual dwelling units, the golf course and accessories and appurtenances thereto.
 - i. Provision by the Applicant of an updated title report covering all of the property to be encumbered to the satisfaction of the Village Counsel. The Covenants and Restrictions shall not be subordinate to any liens or financing on the property. Any lienholder or lender must consent to the Covenants and Restrictions in a writing to be recorded with or as part of the Covenants and Restrictions.
 - j. Submittal of evidence of approval by the Westchester County Board of Legislators of the petition by the Village to remove the Briar Hall property from the Saw Mill Sewer District and add it to the Ossining Sewer District.
3. Use of the golf course and the temporary clubhouse is strictly conditioned upon continued compliance with all conditions of the Village Board of Trustees resolution of Special Use Permit approval, including, but not limited to the following:
- a. No Special Golf Events as defined in the Findings Statement, i.e. no more than five hundred (500) persons on the golf club property, including the golf course, at any one time and no golf events which attract or invite public spectators. Club championship tournaments, interclub golf events, and charitable golf events customarily held at private Westchester golf clubs shall be permitted, subject to the above

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limitations. The Building Inspector, or his designee, shall have a right to make random inspections to determine compliance with the occupancy limitations provided herein.

- b. On the 10th day of the month, the owner or manager of the clubhouse facility shall file with the Village Clerk with a copy to the Village Engineer a list of events scheduled for the following month for use of the main dining room, listing the member-sponsor and the type of event or affair and the approximate number of expected guests, and similarly for the golf events. An additional post-event log shall be maintained confirming actual attendance at each event and submitted on the same monthly basis. A record of on-site staff employed by the owner/operator of the Clubhouse for all events shall be maintained and available for inspection by the Village during normal business hours.
- c. There shall be no daily fee play open to the general public.
- d. Quarterly, the Golf Course Superintendent shall maintain and file with the Village Clerk with a copy to the Village Engineer a record of implementation of the Natural Resource Management Plan (NRMP) and Integrated Pest Management (IPM) Plan, including annual certification as a "Signature Course" by Audubon International, Inc., a record of the dates of application of fertilizers, pesticides and other management practices, records of pest and diseases on the site and actions taken to control, maintenance of drainage, detention, retention and water quality basins, filters, and all modifications to NRMP and IPM responses and protocols.

Quarterly, the Golf Course Superintendent shall also file with the Village Clerk with a copy to the Village Engineer a record of implementation of the all surface and ground water testing and monitoring for quality and quantity, including monthly summaries of the amounts of precipitation, water pumped, used for irrigation. Immediate notification shall be provided to the Village of any action standards set forth in the NRMP or IPM which have been exceeded.

- e. Total number of golf club memberships with full golf privileges shall not exceed three hundred and fifty (350), at any one time, including

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those individual or family memberships issued to employees of a corporate member. In addition, social or dining memberships (with no golf privileges) shall not exceed one hundred (100) at any one time. Such social memberships shall not include the use of the pool or tennis facilities unless such members are also owners of a condominium unit. The Sponsor of the condominium project will offer first time buyers the right to purchase club memberships, if available. The Building Inspector, or his designee, shall have a right to make random inspections to determine compliance with the use restrictions provided herein.

- f. No more than seventy-two (72) club or member-sponsored (no non-member-sponsored) functions, for one hundred (100) guests or more, will be scheduled during any calendar year (not including up to twenty-eight (28) dinner events associated with golf outings on the days the golf club is closed); provided, however, there will be no more than three (3) such events in any one week, and no more than one (1) such event per day. No more than twenty-eight (28) golf outings on the days the golf course is closed to members shall be held between April 1 and November 15 of any year, which outings may be sponsored by members or non-members.
- g. There will be no helicopter landings or takeoffs on the property, except for Medivac, or similar emergency use.
- h. Applicant will provide for the operation, staffing and maintenance of the gatehouse including establishing mechanisms for emergency access, operation relative to residents, club members, golfers, events and all guests, subject to reasonable approval of the Planning Board.
- i. All golf carts will be electric powered and stored on-site.
- j. Compliance with relevant portions of the EIS and Findings Statements relative to Fertilization & Irrigation (Fertigation) and Turf Management including pest control including maintaining logs for review and annual certification by Audubon International.

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- k. Demonstrated compliance with established limitations and restrictions on storage of pesticides, fertilizers, chemicals, fuel and other like materials established in the NRMP.
- l. Outdoor amplification, such as public address systems, and the like, shall be prohibited.
- m. Lighting for the entire site shall be provided as described in EIS and in Attachment A hereof including no lighting of the practice range or golf course.
- n. All landscaping shown on the site plan drawings in Attachment A hereof shall be maintained in a healthy and vigorous growing condition throughout the duration of the Project. All landscaping not so maintained shall be replaced with new comparable vegetation at the beginning of the next growing season. A note to this effect shall be placed on the site plan and final Conservation Subdivision Plat.

D. CONSTRUCTION AND USE OF THE PERMANENT CLUBHOUSE

- 1. Construction of the permanent clubhouse shall commence, subject to force majeure and the conditions referred to in Paragraph 3 below, not later than the date (the "Clubhouse Commencement Date") which is the earlier of:
 - a. eighteen (18) months from the date on which the Certificate of Occupancy for the temporary clubhouse is issued; or
 - b. at such time that the golf club has reached a golf membership level of one hundred seventy-five (175) memberships. (The Applicant shall submit to the Village a monthly report on the number of memberships until a building permit for the permanent clubhouse has been issued).

If the Applicant has, prior to such Clubhouse Commencement Date, applied to the Planning Board for approval of a clubhouse design with a minimum twenty (20%) reduction from the approved 42,300 square feet (a "Reduced Clubhouse"), then the Clubhouse Commencement Date shall be extended for the duration of such Planning Board proceedings and for a reasonable period of time thereafter sufficient to permit the Applicant to complete construction

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drawings and contractor arrangements and secure all required permits for the construction of such Reduced Clubhouse in form approved by the Planning Board.

In the event that the Applicant shall fail to commence construction of the permanent clubhouse by the Clubhouse Commencement Date, the Applicant shall be subject to liquidated damages of \$333 per day for the first month of such failure, \$666 per day for the second month of such failure and \$1,000 per day for each subsequent month in which such failure continues, and the Planning Board may, after sixty (60) days of such failure, at its option, revoke the Certificate of Occupancy for the temporary clubhouse. Any dispute concerning an alleged failure by the Applicant to comply with its obligations under this paragraph shall be settled by a single arbitrator in White Plains in accordance with the rules and regulations of the American Arbitration Association. The prevailing party in such arbitration shall be entitled, unless otherwise determined by such arbitrator, to recover reasonable attorney's fees incurred in such arbitration and shall be entitled to enforce such arbitration award in the Supreme Court of the State of New York in accordance with applicable New York law.

2. Construction of the permanent clubhouse shall be completed within eighteen (18) months of its commencement, subject to force majeure events.
3. Commencement of construction of the permanent clubhouse shall be subject to the prior fulfillment of all conditions set forth above in Sections A, B and C (1) and (2) above.
4. Use of the permanent clubhouse shall be conditioned upon the following:
 - a. The maximum number of members and guests utilizing the clubhouse, in the aggregate, shall not exceed four hundred (400) persons at any one time. The Building Inspector, or his designee, shall have a right to make random inspections to determine compliance with the occupancy limitations provided herein.
 - b. The restaurant shall not be open to the general public.

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- c. No guest units or employee units shall be provided in the clubhouse. Overnight accommodations may, however, be provided for the custodian or security director.
- d. The hours of clubhouse operations and for terrace shall be as follows:

Clubhouse: 7am - 11pm (1:00 am on Friday and Saturday)
Terrace: 11am - 9pm

E. CONSTRUCTION AND OCCUPANCY OF TOWNHOUSES AND CONDOMINIUM BUILDINGS

- 1. Prior to the issuance of any building permit for either the 31-unit or the 40-unit condominium building, the Applicant shall make payment of the remaining recreation fees due.
- 2. No Certificate of Occupancy shall be issued for any residential structure except as specified below in the Project until the following conditions have been satisfied:
 - a. The filing of a Condominium Offering Plan and approval of same by the New York State Attorney General's office, the provisions of which shall address the on-site maintenance of the common infrastructure and the ownership, maintenance and use of the swimming pool.
 - b. The recording of Covenants and Restrictions in form reasonably satisfactory to Village Counsel whereby the Property Owner or Condominium Association is responsible for repair and maintenance of the roadways, drainage lines, private water and sewer lines on the Property and which indicates whether the golf club/course parcel shall bear a larger proportion of such obligations.
 - c. Applicant's commencement of a continuous shuttle service for condominium residents between 6:30 a.m. and 8:30 a.m., and 6:00 p.m. and 8:00 p.m. between the Property and the Scarborough Train Station, weekday mornings and evenings, as proposed by the Applicant, which obligation shall be provided in the Condominium Offering Plan. The shuttle service shall be fully operational prior to the issuance of the

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VI. MISCELLANEOUS

- A. No building permits or approvals for construction of improvements to the Property shall be issued unless and until all conditions of this Site Plan required to be completed before issuance of any building permits or approvals for construction of such improvements have been fully satisfied as certified by the Village Engineer.
- B. When the drawings in Appendix A have been finalized to the satisfaction of the Village Engineer and the Planning Board, four (4) sets of the above referenced plans shall be submitted for the final review by the Planning Board and subsequent endorsement of the Planning Board Chairman. One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be retained by the Planning Board, and one (1) set each will be provided to the Village Building Inspector and Village Engineer. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans (other than minor and inconsequential field charges approved by Village Engineer) are subsequently desired.
- C. The Applicant shall submit final lighting and signage details, and samples of the sign and building materials and colors, to the satisfaction of the Planning Board prior to the issuance of a building permit for said improvements.

VII. EXPIRATION OF APPROVALS

- A. Final Conservation Subdivision Plat approval shall expire one hundred eighty (180) days from the date of the adoption of this Resolution unless the requirements listed in Section A.1 above have been completed to the satisfaction of the Planning Board and the plat has been submitted for signature. The Planning Board may, however, extend the time in which the requirements must be fulfilled and said plat is to be submitted for signature for up to two (2) additional periods of ninety (90) days each if, in its opinion, the particular circumstances warrant such extension(s).
- B. The Final Conservation Subdivision Plat shall be filed in the Westchester County Clerk's Office (Division of Land Records) within sixty-two (62) days of the date of the endorsement of said plat by the Planning Board Chairman.
- C. Except as otherwise specified herein for the completion of the permanent clubhouse, this Site Plan and Wetlands Permit Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if construction is not begun on this Project, or three (3) years from the date of adoption of this Resolution if substantial construction on the Project is not accomplished, or if the construction is

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Certificate of Occupancy for the sixteenth (16th) townhouse dwelling unit or the first of the two condominium buildings, whichever shall occur first.

- d. Applicant has provided as-built drawings of all building foundations for the golf course, clubhouse and residential buildings and the related infrastructure improvements and off-site infrastructure improvements and appropriate engineers' certificates. Any substantial deviations shall be brought to the attention of the Planning Board for review and consideration.
3. The maximum number of bedrooms for the entire development shall not exceed two hundred forty seven (247). No dwelling unit shall have more than three bedrooms. No other rooms shall be allowed to be converted to an additional bedroom without Planning Board approval.
4. The swimming pool facilities shall be operated by the Condominium Association and shall be restricted to use to the residential condominium owners/lessees, golf club members and their respective guests. The tennis courts shall be operated by the Applicant and shall be restricted to the residential condominium owners/lessees, golf club members and their respective guests.
5. Applicant agrees to once per week solid waste residential collection by Village.

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RESOLUTION OF CONSERVATION SUBDIVISION PLAT, SITE PLAN, WETLANDS APPROVAL

VI. MISCELLANEOUS

- A. No building permits or approvals for construction of improvements to the Property shall be issued unless and until all conditions of this Site Plan required to be completed before issuance of any building permits or approvals for construction of such improvements have been fully satisfied as certified by the Village Engineer.
- B. When the drawings in Appendix A have been finalized to the satisfaction of the Village Engineer and the Planning Board, four (4) sets of the above referenced plans shall be submitted for the final review by the Planning Board and subsequent endorsement of the Planning Board Chairman. One (1) set of the endorsed plans will be returned to the Applicant, one (1) set will be retained by the Planning Board, and one (1) set each will be provided to the Village Building Inspector and Village Engineer. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans (other than minor and inconsequential field charges approved by Village Engineer) are subsequently desired.
- C. The Applicant shall submit final lighting and signage details, and samples of the sign and building materials and colors, to the satisfaction of the Planning Board prior to the issuance of a building permit for said improvements.

VII. EXPIRATION OF APPROVALS

- A. Final Conservation Subdivision Plat approval shall expire one hundred eighty (180) days from the date of the adoption of this Resolution unless the requirements listed in Section A.1 above have been completed to the satisfaction of the Planning Board and the plat has been submitted for signature. The Planning Board may, however, extend the time in which the requirements must be fulfilled and said plat is to be submitted for signature for up to two (2) additional periods of ninety (90) days each if, in its opinion, the particular circumstances warrant such extension(s).
- B. The Final Conservation Subdivision Plat shall be filed in the Westchester County Clerk's Office (Division of Land Records) within sixty-two (62) days of the date of the endorsement of said plat by the Planning Board Chairman.
- C. Except as otherwise specified herein for the completion of the permanent clubhouse, this Site Plan and Wetlands Permit Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if construction is not begun on this Project, or three (3) years from the date of adoption of this Resolution if substantial construction on the Project is not accomplished, or if the construction is

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not prosecuted with reasonable diligence; provided, however that such time periods may be extended by the Planning Board, and shall not apply to the construction of the condominium units and townhouses.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the above Resolution is hereby adopted.

VOTE: Ayes: Andrew Tung
 William Vescio
 John Rapoport

 Nays: Nancy Pine

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RESOLUTION
VILLAGE OF BRIARCLIFF MANOR PLANNING BOARD
Adopted June 14, 2011



Re: Trump/Briar Hall Golf Course and Residential Development — Resolution of Amended Site Plan Approval

WHEREAS, by Resolution adopted on January 10, 2000, the Board of Trustees of the Village of Briarcliff Manor issued a Special Permit Approval to Trump Briarcliff Manor Development, LLC (“2000 Special Permit”) to renovate and upgrade an existing 18-hole golf course, replace an existing clubhouse, construct ancillary facilities for and incorporate adjacent residential property into the golf course, and construct 87 residential units on a site and adjacent parcels located in the vicinity of Pine Road (the “Project”); and

WHEREAS, by Resolution adopted on May 18, 2000, the Board of Trustees adopted a Resolution of Tree Protection Plan and Tree Removal Permit Approval relative to the Project; and

WHEREAS, by Resolution dated June 13, 2000, the Planning Board adopted the Resolution of Preliminary and Final Conservation Subdivision Plat Approval, Site Plan Approval, and Wetlands Permit Approval adopted June 13, 2000 (the “Original Site Plan Approval”); and

WHEREAS, the Original Site Plan Approval was amended by the Planning Board by Resolutions adopted April 10, 2001, May 8, 2001, April 9, 2002 and September 9, 2003; and

WHEREAS, the Original Site Plan Approval as so amended (hereinafter, the “Existing Site Plan Approval”), among other things, configures the approved 87 residential units in 16 condominium town homes, a 31 unit residential condominium building, and the 40 unit residential condominium building (“Residential Facilities”) and sets the maximum number of bedrooms allowed in the Residential Facilities at 247 (“Approved Number of Bedrooms”); and

WHEREAS, construction of the golf course and its related facilities and a portion of the Residential Facilities has been completed, but the 31 unit residential condominium building, and a 40 unit residential condominium building have not been built (“Approved But Unbuilt Residential Facilities”); and

WHEREAS, the Board of Trustees received a letter dated January 4, 2011, with an application, from Sullivan Architecture, PC, submitted on behalf of Trump National Golf Club, an affiliated entity of the owner of the Project, The Trump Organization (the “Applicant”), seeking Amended Special Use Permit approval to construct a new 1-story building of approximately 5,900 square feet, to be located just south of the existing

Trump/Briar Hall Country Club
Resolution Of Amended Site Plan Approval

clubhouse and to include a pro-golf shop of approximately 2,250 square feet and 6 guest rooms of approximately 3,650 square feet in the aggregate for members' use ("Addition"), all pursuant to Village Code §220-6.C(1) through (8), (collectively, "Amended Special Permit Application"); and

WHEREAS, by Resolution adopted January 5, 2011, the Board of Trustees referred the Amended Special Permit Application to the Planning Board for review and recommendation in accordance with §220-6.C of the Village Code; and

WHEREAS, at its meeting of January 11, 2011, the Planning Board issued a general recommendation of support for the Amended Special Permit Application, which was reviewed in conjunction with a separate application from the Applicant to the Planning Board for Amended Site Plan approval relative to the Addition (the "Application"); and

WHEREAS, in support of the Application, the Applicant has submitted the following information to the Planning Board:

1. Planning Board Application Form, with signed Code of Ethics Form and required fees;
2. Short Environmental Assessment Form dated November 11, 2010;
3. The following enclosed plans:
 - a. Plans prepared by Sullivan Architecture, P.C., entitled, "Trump National Golf Club/Westchester," dated November 19, 2010 and revised April 21, 2011, and numbered and identified as follows:
 - (i) A1 – Overall Site Plan;
 - (ii) A2 – Site Layout, Grading, and Utilities;
 - (iii) A3 – Planting, Lighting and Soil Erosion;
 - (iv) A4 – Floor Plan;
 - (v) A5 – Exterior Elevations; and
 - b. Plans prepared by Ralph Mastro Monaco, PE dated March 18, 2011, and numbered and identified as follows:
 - (i) Sheet 1 of 2 – Proposed Drainage Improvements; and
 - (ii) Sheet 2 of 2 – Details/Notes.

WHEREAS, the said recommendation of the Planning Board is memorialized in a memorandum dated January 17, 2011, from the Planning Board to the Board of Trustees; and

Trump/Briar Hall Country Club
Resolution Of Amended Site Plan Approval

WHEREAS, among other things, the said January 17, 2011, memorandum, recommended that the following conditions be made part of any approval by the Board of Trustees of the Application:

1. The six guest cottages, proposed to be located within the new building, shall in no case be permitted to contain kitchen facilities.
2. The six guest cottages, proposed to be located within the new building, shall only be occupied on a temporary basis by members and guests of members of the Club. No full-time or long-term occupancy shall be permitted.
3. The six guest cottages, proposed to be located within the new building, shall only be permitted to be occupied when the Club is in operation (roughly between March and November).

WHEREAS, by Resolution adopted June 1, 2011, the Board of Trustees determined that the construction and proposed use of the Addition is consistent with the conditions and standards of Village Code §220-6 and granted Amended Special Permit Approval for the Addition subject to the conditions set forth in said Resolution and subject to the Planning Board granting approval of the 2011 Amended Site Plan Application and for Applicant's stormwater pollution prevention plan for the Project under Village Code Chapter 184 ("SWPPP"); and

WHEREAS, as a condition of the Board of Trustees' June 1, 2011 Amended Special Permit Approval, the Planning Board's review and approval of Applicant's SWPPP for the Project and Addition; and the Planning Board's approval of Applicant's SWPPP under Village Code §184-3.C(1) shall suffice and be deemed to serve also as the Board of Trustees' approval of Applicant's SWPPP for the Project and Addition under Village Code §184-3.C(2); and

WHEREAS, Applicant has submitted a SWPPP and application for approval dated March 17, 2011, and Birdsall Services Group has reviewed the same for the Village and issued comments in a report dated May 2, 2011; and

WHEREAS, Applicant's SWPPP for the Project cannot be made final and approved until the Planning Board has amended or is ready to amend the Existing Site Plan Approval to incorporate the Addition and any facility required under Applicant's SWPPP; and

WHEREAS, as Lead Agency under the New York State Environmental Quality Review Act ("SEQRA"), and Board of Trustees has issued a negative declaration in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617 in connection with the Addition; and

WHEREAS, the Planning Board has received a review memorandum dated May 4, 2011, from BFJ Planning its Planning Consultants and a memorandum dated May 2, 2011, from its consulting engineers Birdsall Services Group; and

Trump/Briar Hall Country Club
Resolution Of Amended Site Plan Approval

WHEREAS, the Planning Board held duly advertised public meetings on May 10, 2011, and June 14, 2011, at which time all those wishing to be heard were given the opportunity to be heard with respect to the 2011 Amended Site Plan Application; and

WHEREAS, the Planning Board has visited the site and is familiar with the Project and all aspects of the Addition and has been satisfied that, subject to the conditions contained herein, the Addition will conform to the requirements of the Zoning Ordinance of the Village of Briarcliff Manor.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Planning Board hereby incorporates all of the recitations and statements set forth in the June 13, 2000 Resolution, the April 10, 2001 Resolution, the May 8, 2001 Resolution, the April 9, 2002 Resolution and the September 9, 2003 Resolution, all as if fully set forth and resolved herein, and except as otherwise provided herein, all other terms and conditions of the aforesaid Resolutions which constitute the Existing Site Plan Approval shall remain in full force and effect.
3. Pursuant to SEQRA, the Planning Board hereby determines that construction and proposed use of the Addition will not have a significant impact upon the environment and hereby adopts a Negative Declaration under SEQRA in accordance with the applicable provisions of law with respect to the Amended Site Plan Application.
4. The Existing Site Plan Approval issued for the Project is hereby amended to permit the construction and proposed use of the Addition, which shall be subject to all of the terms and conditions herein and as set forth in Board of Trustees' Resolution of Amended Special Permit Approval relative to the Addition (the "2011 Amended Site Plan Approval").
5. The 2011 Amended Site Plan Approval is subject to the following conditions:
 - a. The six guest rooms, proposed to be located within the Addition shall in no case be permitted to contain kitchen facilities.
 - b. The six guest rooms, proposed to be located within the Addition shall only be occupied on a temporary, transient basis by members and guests of members of the Club. No full-time or long-term occupancy shall be permitted.
 - c. The six guest rooms, proposed to be located within the Addition shall only be occupied between March 15 of each year and January 2 of the following year when the Club is in operation.

Trump/Briar Hall Country Club
Resolution Of Amended Site Plan Approval

- d. Amendment by the Planning Board of the Existing Site Plan Approval to take account of the Addition by reducing the Approved Number of Bedrooms available to be included in the Approved But Unbuilt Residential Facilities by 6 and by reducing the aggregate floor area of the Approved But Unbuilt Residential Facilities by 3,650 square feet.
6. The Planning Board hereby approves the Applicant's SWPPP for the Project and Addition, under Village Code §184-3.C(1).
7. The violation of any term or condition of this Resolution of 2011 Amended Site Plan Approval shall place any and all approvals hereinbefore mentioned in connection with the Project and any associated certificate in jeopardy and subject to revocation by the Village.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the foregoing is hereby adopted.

Moved by: Member Lotter

Seconded by: Member Halper

Vote: Ayes: Member Lotter
Member Halper
Chairman Nolan

Vote: Nays: None

Absent: Member Neveloff
Member Murray
Alternate Member Herbst

PLANNING BOARD
Village of Briarcliff Manor


Edward Nolan, Chairman

Date: June 15, 2011

VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES AGENDA
MAY 18, 2011

3. AMENDMENT TO SPECIAL USE PERMIT, TRUMP NATIONAL

**RESOLUTION
OF THE
VILLAGE OF BRIARCLIFF MANOR BOARD OF TRUSTEES
AMENDED SPECIAL USE PERMIT**

**RE: TRUMP/BRIAR HALL GOLF COURSE AND RESIDENTIAL DEVELOPMENT
RESOLUTION OF AMENDED SPECIAL PERMIT¹ APPROVAL**

WHEREAS, by Resolution adopted on January 10, 2000, the Board of Trustees of the Village of Briarcliff Manor issued a Special Permit Approval to Trump Briarcliff Manor Development, LLC (“2000 Special Permit”) to renovate and upgrade an existing 18-hole golf course, replace an existing clubhouse, construct ancillary facilities for and incorporate adjacent residential property into the golf course, and construct 87 residential units on a site and adjacent parcels located in the vicinity of Pine Road (the “Project”); and

WHEREAS, on May 18, 2000, the Board of Trustees adopted a Resolution of Tree Protection Plan and Tree Removal Permit Approval relative to the Project; and

WHEREAS, the 2000 Special Permit provided for “elimination of guest suite accommodations in the clubhouse;” and

WHEREAS, on June 13, 200, the Briarcliff Manor Planning Board adopted a Resolution of Preliminary and Final Conservation Subdivision Approval, Site Plan Approval, and Wetlands Permit Approval on the Project (“2000 Site Plan Approval”); and

WHEREAS, on April 10, 2001, May 8, 2001, April 9, 2002, and September 9, 2003, the 2000 Site Plan Approval was amended by the Briarcliff Manor Planning Board; and

WHEREAS, the 2000 Site Plan Approval as amended (“Existing Site Plan Approval”), among other things, configures the approved 87 residential units in 16 condominium town homes, a 31 unit residential condominium building, and the 40 unit residential condominium building (“Residential Facilities”) and sets the maximum number of bedrooms allowed in the Residential Facilities at 247 (“Approved Number of Bedrooms”)

¹ The original Special Permit Approval which is the subject of the current Application was adopted under the prior codification of the Village Code, under which such approval was referred to as a “Special Permit”. Under the current Village Code, it is referred to as “Special Use Permit.”

WHEREAS, construction of the golf course and its related facilities and a portion of the Residential Facilities has been completed, but the 31 unit residential condominium building, and a 40 unit residential condominium building have not been built (“Approved But Unbuilt Residential Facilities”); and

WHEREAS, by letter dated January 4, 2011, Sullivan Architecture, PC, submitted on behalf of Trump National Golf Club, an affiliated entity of the owner of the Project, The Trump Organization (the “Applicant”), an application for Amended Special Use Permit approval to construct a new 1-story building of approximately 5,900 square feet, to be located just south of the existing clubhouse and to include a pro-golf shop of approximately 2,250 square feet and 6 guest rooms of approximately 3,650 square feet in the aggregate for members’ use (“Addition”), all pursuant to Village Code §220-6.C(1) through (8), (collectively, “Application”); and

WHEREAS, by Resolution adopted January 5, 2011, the Board of Trustees referred the Application to the Briarcliff Manor Planning Board for review and recommendation in accordance with §220-6.C of the Village Code; and

WHEREAS, at its meeting of January 11, 2011, the Planning Board issued a general recommendation of support for the Application, which was reviewed in conjunction with a separate application from the Applicant to the Planning Board for Amended Site Plan approval relative to the Addition (although the Planning Board has not yet made a determination on the said Amended Site Plan application); and

WHEREAS, the said recommendation of the Planning Board is memorialized in a memorandum dated January 17, 2011, from the Planning Board to the Board of Trustees; and

WHEREAS, among other things, the said January 17, 2011, memorandum, recommended that the following conditions be made part of any approval by the Board of Trustees of the Application:

1. The six guest cottages, proposed to be located within the new building, shall in no case be permitted to contain kitchen facilities.
2. The six guest cottages, proposed to be located within the new building, shall only be occupied on a temporary basis by members and guests of members of the Club. No full-time or long-term occupancy shall be permitted.
3. The six guest cottages, proposed to be located within the new building, shall only be permitted to be occupied when the Club is in operation (roughly between March and November).

WHEREAS, both the Board of Trustees and the Planning Board have review and approval authority under Village Code §184-3 for Applicant’s stormwater pollution prevention plan for the Project under Village Code Chapter 184 (“SWPPP”); and

WHEREAS, Applicant has submitted a SWPPP and application for approval dated March 17, 2011, and Birdsall Services Group has reviewed the same for the Village and issued comments in a report dated May 2, 2011; and

WHEREAS, Applicant's SWPPP for the Project cannot be made final and approved until the Planning Board has amended or is ready to amend the Existing Site Plan Approval to incorporate the Addition and any facility required under Applicant's SWPPP; and

WHEREAS, the Applicant has submitted a short Environmental Assessment Form relative to the construction of the Addition under the New York State Environmental Quality Review Act ("SEQRA"), and pursuant to an uncoordinated review, the Board of Trustees has determined that construction and use of the Addition is an Unlisted Action under SEQRA; and

WHEREAS, the Village Board of Trustees held duly a advertised public hearing on the Application on March 2, 2011, March 16, 2011, April 6, 2011, and April 20, 2011, at which time all those wishing to be heard were given the opportunity to be heard, and the public hearing was closed on April 20, 2011; and

WHEREAS, the Board of Trustees has visited the site and is familiar with the Project and all aspects of the Addition and has been satisfied that, subject to the conditions contained herein, the Addition will conform to the requirements of the Zoning Ordinance of the Village of Briarcliff Manor.

NOW THEREFORE, BE IT

RESOLVED, that pursuant to the SEQRA, the Board of Trustees hereby determines that construction and proposed use of the Addition will not have a significant impact upon the environment and that the Mayor or his designee is authorized to execute and file a Negative Declaration under SEQRA in accordance with the applicable provisions of law; and

FURTHER RESOLVED, that the Board of Trustees hereby finds that the construction and proposed use of the Addition is consistent with the conditions and standards of Village Code §220-6; and

FURTHER RESOLVED, that the Special Permit issued for the Project is hereby amended to permit the construction and proposed use of the Addition, which shall be subject to all of the terms and conditions herein and as may be set forth in a resolution to be issued by the Briarcliff Manor Planning Board to be obtained by the Applicant granting an amendment of the Existing Site Plan Approval relative to the Addition; and

FURTHER RESOLVED, that this Amended Special Use Permit is subject to the following conditions:

1. The six guest rooms, proposed to be located within the Addition shall in no case be permitted to contain kitchen facilities.
2. The six guest rooms, proposed to be located within the Addition shall only be occupied on a temporary, transient basis by members and guests of members of the Club. No full-time or long-term occupancy shall be permitted.

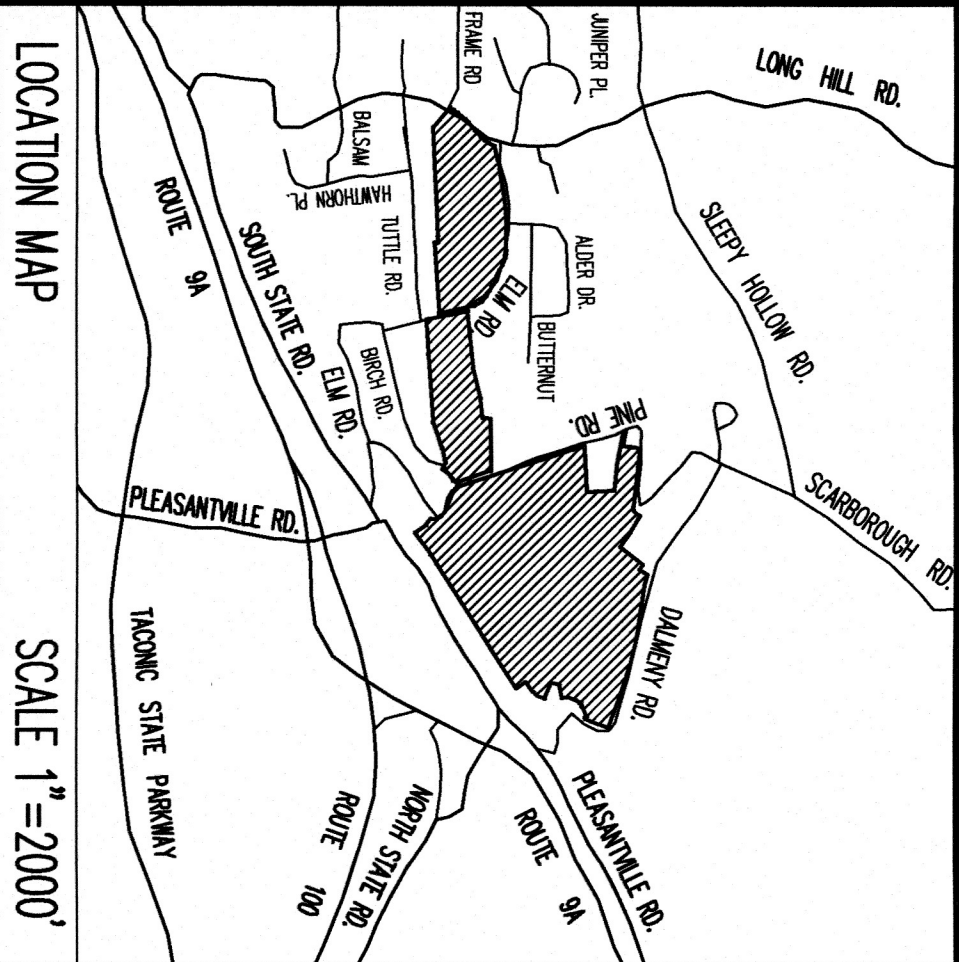
3. The six guest rooms, proposed to be located within the Addition shall only be occupied between March 15 of each year and January 2 of the following year when the Club is in operation.
4. Amendment by the Planning Board of the Existing Site Plan Approval to take account of the Addition by reducing the Approved Number of Bedrooms available to be included in the Approved But Unbuilt Residential Facilities by 6 and by reducing the aggregate floor area of the Approved But Unbuilt Residential Facilities by 3,650 square feet.
5. Approval by the Planning Board of Applicant's Stormwater Pollution Prevention Plan for the Project and Addition in accordance and compliance with Village Code Chapter 184 and Applicant's Stormwater Management Plan dated March 17, 2011, Birdcall Services Group review report dated May 2, 2011, and any Amended Site Plan Approval for the Addition.

FURTHER RESOLVED, that the Board of Trustees shall defer to the Planning Board's review and approval of Applicant's SWPPP for the Project and Addition, and the Planning Board's approval of Applicant's SWPPP under Village Code §184-3.C(1) shall suffice and be deemed to serve also as the Board of Trustees' approval of Applicant's SWPPP for the Project and Addition under Village Code §184-3.C(2); and

FURTHER RESOLVED, that the violation of any term or condition of this Resolution of Amended Special Use Permit Approval shall place the Amended Special Use Permit and any associated certificate in jeopardy and subject to revocation by the Village; and

FURTHER RESOLOVED, that except as otherwise provided herein, all other terms and conditions of the aforesaid Resolution of Special Permit Approval dated January 10, 2000, and all of the terms and conditions of the Resolution of Tree Protection Plan and Tree Removal Permit Approval adopted by the Board of Trustees on May 18, 2000, shall remain in full force and effect.

Property Boundary Survey



FLOOD NOTE
Premises herein is located entirely within Flood Zone C ("Areas of minimal flooding") as shown on:

Flood Insurance Rate Map
Village of Briarcliff Manor
Westchester County, N.Y.
Community Panel No. 369004.0001 C
Community Panel No. 369004.0002 C
Effective: February 1, 1978

Some being published by:
Federal Emergency Management Agency
Federal Insurance Administration

NOTES

DEVELOPMENT RESTRICTION

Reserved for recreation, open space conservation, and related resources protection. These lands are not available for the construction of additional dwelling units or other improvements, but may be used for open space recreational purposes, which preserve open space, as may be approved by the Board of Trustees.

These lands are also subject to a dedication of restrictions and easements required as part of the approval of the conservation easement plat and to the related site development plat and special use permit approval. Said easements and restrictions shall be binding.

That the Golf Course and Clubhouse parcel (Condominium Unit 88) be assessed as a separate fee simple lot and not restricted by the provisions of said Property Law (PL) section 339-a, which assessment shall reflect the fair market value of said parcel.

That in the event the Golf Course and Clubhouse do not continue in operation as a single pre-existing, "in-practice" golf club or as private membership club which shall not include a public "open" golf course or a "golf course open to the general public" to which the public is invited (as used by the village) the golf course and clubhouse (Unit 88 portion of the property) may be used for other purposes and shall be subject to the applicable zoning laws of the Village Board of Trustees, and conform to the then applicable Zoning Law.

That the Golf Course and Clubhouse parcel (Condominium Unit 88) will not be further subdivided, considering that all development rights of the property under existing zoning, including the Unit 88 parcel, have been exhausted and no further development rights exist for the property under existing zoning.

That the Planning Board resolution shall supersede and render void the prior conservation subdivision plat/site plan approved by resolution dated November 17, 1988 and filed as Map.

SPECIAL USE PERMIT
The premises herein is subject to the conditions of a Special Use Permit per:

RESOLUTION
VILLAGE OF BRIARCLIFF MANOR
BOARD OF TRUSTEES
Adopted January 10, 2000
RE: TRUMP/BRIAR HALL GOLF COURSE AND RESORTAL DEVELOPMENT
RESOLUTION OF SPECIAL PERMIT APPROVAL

Said resolution being on file in the Office of the Village Clerk.

LANDSCAPING MAINTENANCE
All landscaping shown on the site plan drawings in Attachment "A" of the SPECIAL USE PERMIT shall be maintained in a healthy and vigorous growing condition throughout the duration of the project. All landscaping not so maintained and be replaced with new comparable vegetation at the beginning of the next growing season.

STREET LAMPS
The nodes shown herein and designated as (R000 "A") and (R000 "B") will be assigned formal names at a future date.
Said formal road names will be in accordance with formal approval and adoption by the Board of Trustees of the Village of Briarcliff Manor.

NO OFFICE OF EDUCATION
No offer of education in the Village of Briarcliff Manor is made for any trade, school, or other recreational shown herein.

DRAINAGE EASEMENTS
The drainage easement shown herein establishes the perpetual right to discharge storm water runoff from the highway and from the surrounding area onto and over the affected premises by means of pipes, culverts or ditches, or a combination thereof, together with the right of the holder of the title to the highway, or its authorized representatives, to enter said premises for purposes of making such modifications and doing such maintenance as said holder of the title may deem necessary to adequately drain the highway and surrounding area.

UTILITY EASEMENTS
The Village of Briarcliff Manor or its authorized representatives has the right to enter the subject premises, as required to install, maintain, repair or replace utilities and related appurtenances within the utility easements shown herein.

The Village is required to restore the ground surface to ground grade and seal or repair the surface with unbound ground cover. The Village is not required to replace or restore any special grading, earthworks, plantings, or structures placed or constructed within easement areas. The owner places only/or constructs any such lines on the surface of the easement areas at the owner's sole risk.

PLANNING BOARD
The Village of Briarcliff Manor, New York
Approved by Resolution of the Planning Board of the Village of Briarcliff Manor, New York on the 15th day of June, 2000, subject to all requirements and conditions of said resolution.

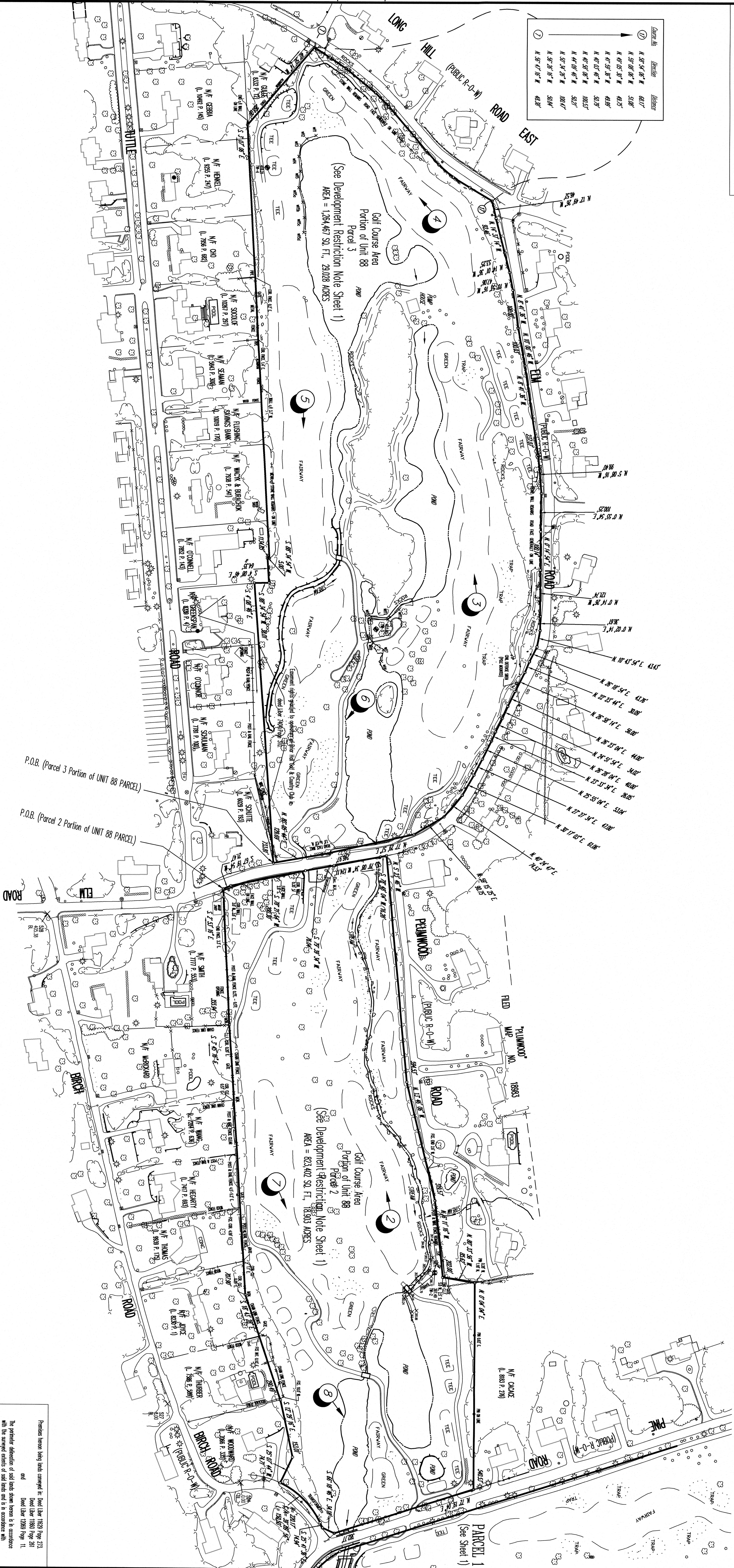
(SEE ALSO: NAD83 OFF-SITE IMPROVEMENT NOTE ON SHEET 4)

AREA TABULATION		TOTAL OF RESERVATION	
CONDOMINIUM AREA	AREA	SECTION	LOT NO.
Condominium Unit 88	6.385 Acres	418	81
(Portion of Parcel 1)		419	82
Parcel 2	18.803 Acres	421	83
Condominium Amenities Parcel	1.092 Acres	422	84
(Portion of Parcel 1)		423	85
Parcel 3	29.028 Acres	424	86
Parcel 4	0.769 Acres	425	87
Parcel 5	1.880 Acres	426	88
Total	141.138 Acres		


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New York, New York 10950-0500
Tel: 914-346-1855
Fax: 914-346-1855
E-Mail: jw@jwdelano.com
JWD: 4419

BOUNDARY NOTES

1. E.O.M. lines of Parcel 1 are established in accordance with surveyed monumentation and possession. E.O.M. which is 20.00' feet.
2. E.O.M. lines of Parcel 2 are established in accordance with surveyed monumentation, possession and that maps 2325, 2725, and 1820.
3. Boundary of Parcel 1 from point A to point B shown herein was established in accordance with survey location of monument called in deed.
4. Boundary of Parcel 1 from point C to point D shown herein was established in accordance with survey location of monument called in deed.
5. Boundary of Parcel 1 from point E to point F shown herein was established in accordance with survey location of monument called in deed.
6. Boundary of Parcel 1 from point G to point H shown herein was established in accordance with survey location of monument called in deed.
7. Boundary of Parcel 1 from point I to point J shown herein was established in accordance with that map 1824 and 1825.
8. Other surveying data described in deed 1825 Page 55.
9. Portion of parcel boundary (Unit 88) recorded in Parcel 1.
10. Land area related to subject premises (Unit 88) Parcel 1 - N/F W/RETS and (Unit 88) Parcel 2 - N/F W/RETS and (Unit 88) Parcel 3 - N/F W/RETS and (Unit 88) Parcel 4 - N/F W/RETS and (Unit 88) Parcel 5 - N/F W/RETS and (Unit 88) Parcel 6 - N/F W/RETS and (Unit 88) Parcel 7 - N/F W/RETS and (Unit 88) Parcel 8 - N/F W/RETS and (Unit 88) Parcel 9 - N/F W/RETS and (Unit 88) Parcel 10 - N/F W/RETS and (Unit 88) Parcel 11 - N/F W/RETS and (Unit 88) Parcel 12 - N/F W/RETS and (Unit 88) Parcel 13 - N/F W/RETS and (Unit 88) Parcel 14 - N/F W/RETS and (Unit 88) Parcel 15 - N/F W/RETS and (Unit 88) Parcel 16 - N/F W/RETS and (Unit 88) Parcel 17 - N/F W/RETS and (Unit 88) Parcel 18 - N/F W/RETS and (Unit 88) Parcel 19 - N/F W/RETS and (Unit 88) Parcel 20 - N/F W/RETS and (Unit 88) Parcel 21 - N/F W/RETS and (Unit 88) Parcel 22 - N/F W/RETS and (Unit 88) Parcel 23 - N/F W/RETS and (Unit 88) Parcel 24 - N/F W/RETS and (Unit 88) Parcel 25 - N/F W/RETS and (Unit 88) Parcel 26 - N/F W/RETS and (Unit 88) Parcel 27 - 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The Office of J. W. Delano

 **Sample Certificate**


A Division of the Department of Taxation and Finance
100 West Broadway, Albany, New York 12242
Phone: (518) 462-6000 or (518) 462-6353

DATE: _____

CORP. FILE NO. _____

REG. FILE NO. _____

The Office of J. W. Delano

By: *William J. Delano*  *William J. Delano*

By: William H. Fries Jr., New York Lic. No. 049970

Proposed Building Design Plans

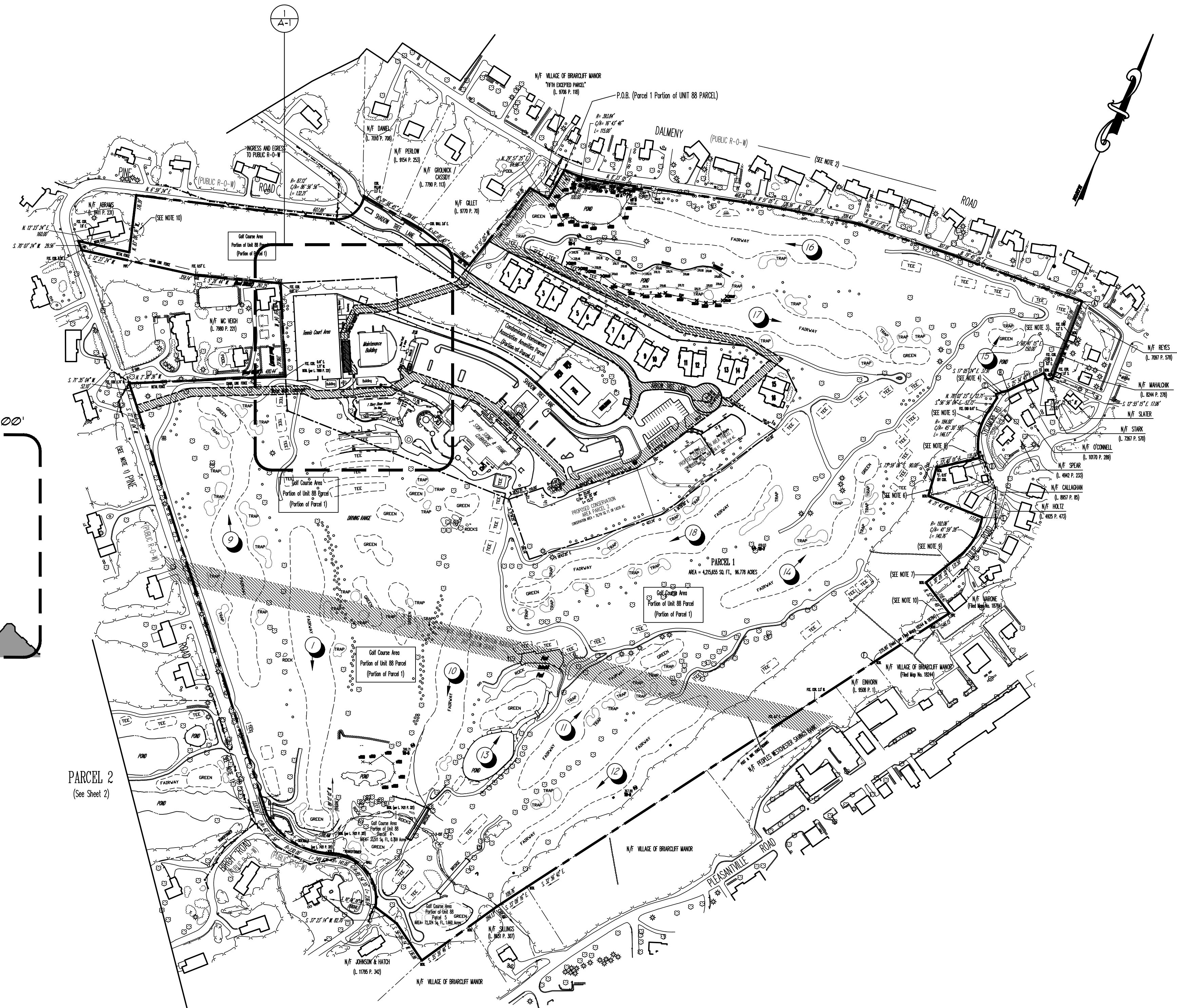
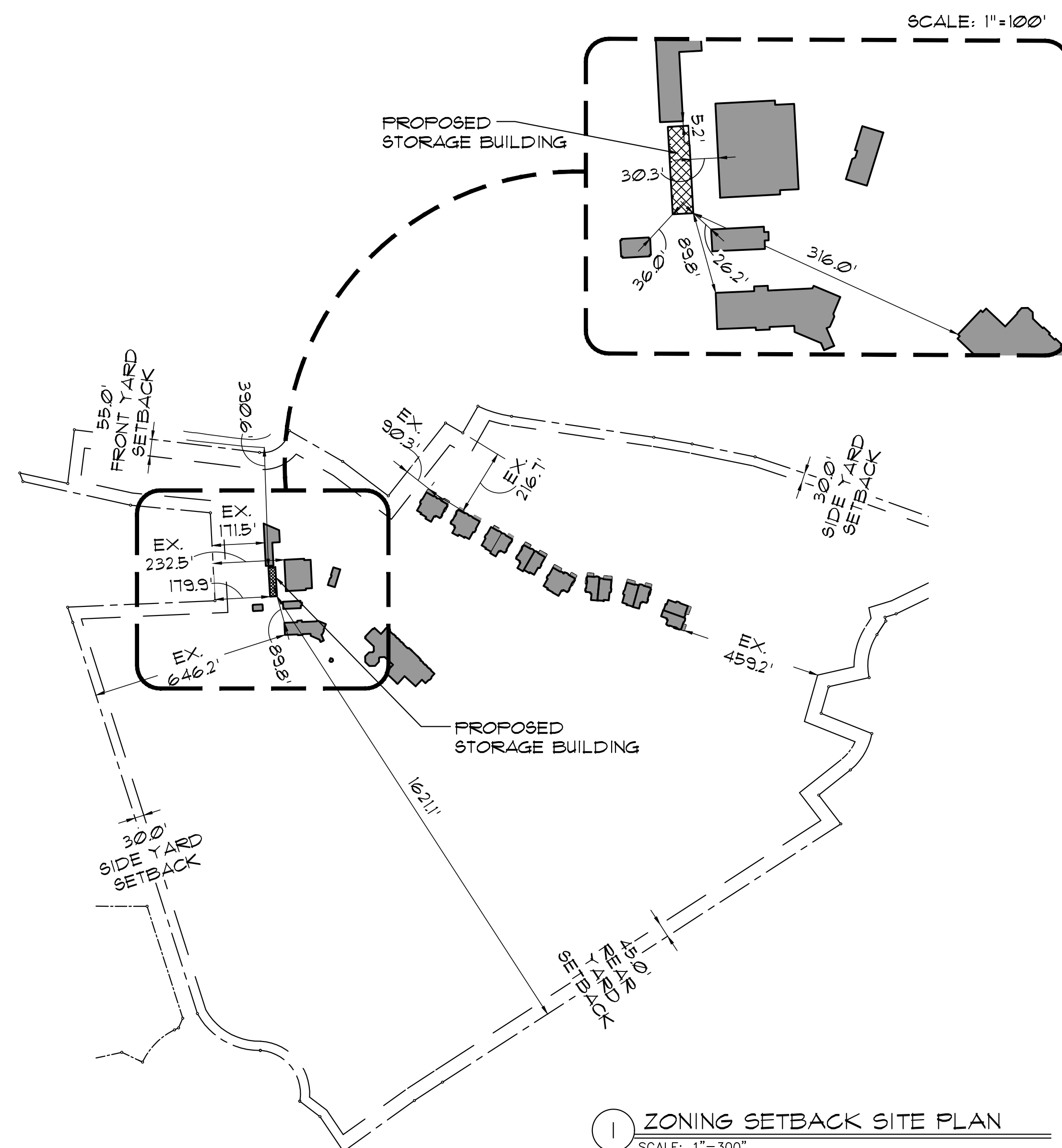
NEW STORAGE BUILDING TO THE TRUMP NATIONAL GOLF COURSE

LIST OF DRAWINGS

SP-1 ZONING ANALYSIS AND SITE PLAN
A-1 ENLARGED SITE PLAN
A-2 CONSTRUCTION PLANS AND BUILDING HEIGHT DIAGRAM

ZONING DATA TABLE			
DESCRIPTION OF WORK: NEW STORAGE BUILDING			
SECTION: 48.4 BLOCK: 1 LOT: 1		100 SHADOW TREE LANE	
ZONE: SPECIAL PERMIT			
USE	EXISTING	PROPOSED	
MAXIMUM BUILDING COVERAGE			
ALL BUILDINGS	2.12%	2.17%	
MIN. LOT DIMENSIONS			
AREA/LOT SIZE	4.215301 SF 96.77 ACRES	NO CHANGE	
FRONT	90.3'	NO CHANGE	
ONE SIDE	216.7'	NO CHANGE	
TWO SIDES	862.9'	NO CHANGE	
REAR	454.2'	NO CHANGE	
MAXIMUM HEIGHT			
STORIES	N/A	NO CHANGE	
FEET	N/A	NO CHANGE	
ACCESSORY STRUCTURES			
MAXIMUM HEIGHT (SLOPED)	N/A	N/A	
MAXIMUM HEIGHT (FLAT)	N/A	17.5'	
DISTANCE FROM MAIN BUILDING	N/A	84.8'	
STREET LINE	N/A	340.6'	
SIDE YARD	N/A	174.9'	
REAR YARD	N/A	162.11'	

NOTE: ALL SET BACK MEASURED AS PER EXISTING SURVEY



2 SITE PLAN
SCALE: 1"=200"

1 ZONING SETBACK SITE PLAN
SCALE: 1"=300'

**TRUMP
NATIONAL
GOLF COURSE**

100 SHADOW TREE LN
BRIARCLIFF MANOR, NY 10510

ARCHITECT

dimovski architecture
 PLLC
 59 Kensico Road, Thornwood, NY 10594
 (914) 747-3500 | (914) 747-3588 fax
www.dimovskiarchitecture.com

STRUCTURAL ENGINEER

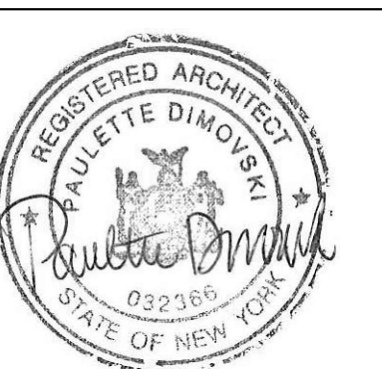
CHARLES A. MANGANARO
CONSULTING ENGINEERS

A PROFESSIONAL CORPORATION
303 SOUTH BROADWAY, SUITE 223, TARRYTOWN, NY 10591-5488

SHAILESH R. NAIK, P.E.
NEW YORK LICENSE No. 072797-1

1	ISSUE FOR TOWN REVIEW	10/28/2024
NO.	REVISION/ISSUE	DATE

SEAL



PROJECT

STORAGE BUILDING

DATE:	03/28/2017
PROJECT NO:	DA 24152
DRAWN BY:	YK
CHECKED BY:	PD/SGD
SCALE:	AS NOTED

DRAWING TITLE

SITE PLAN & ZONING ANALYSIS

SHEET NO.

SP-1

100 SHADOW TREE LN
BRIARCLIFF MANOR, NY 10510

dimovski architecture
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59 Kensico Road, Thornwood, NY 10594
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CONSULTING ENGINEERS

HAILESH R. NAIK, P.E.
NEW YORK LICENSE No. 072797-1



STORMWATER MANAGEMENT REQUIREMENT
NO INCREASE IN IMPERVIOUS SURFACE

PROJECT

**STORAGE
BUILDING**

DATE:	03/28/2017
PROJECT NO:	DA 24152
DRAWN BY:	YK
CHECKED BY:	PD/SGD
SCALE:	AS NOTED

DRAWING TITLE

ENLARGED SITE PLANS

SHEET NO.

A-1

TRUMP
NATIONAL
GOLF COURSE

100 SHADOW TREE LN
BRIARCLIFF MANOR, NY 10510

ARCHITECT

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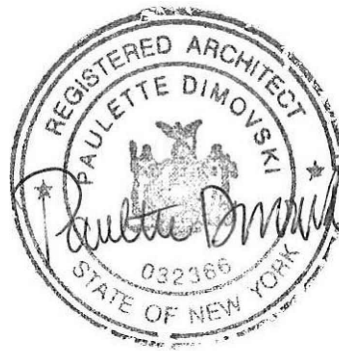
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1	ISSUE FOR TOWN REVIEW	10/28/2024
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SEAL



PROJECT

**STORAGE
BUILDING**

DATE: 03/28/2017

PROJECT NO: DA 24152

DRAWN BY: YK

CHECKED BY: PD/SGD

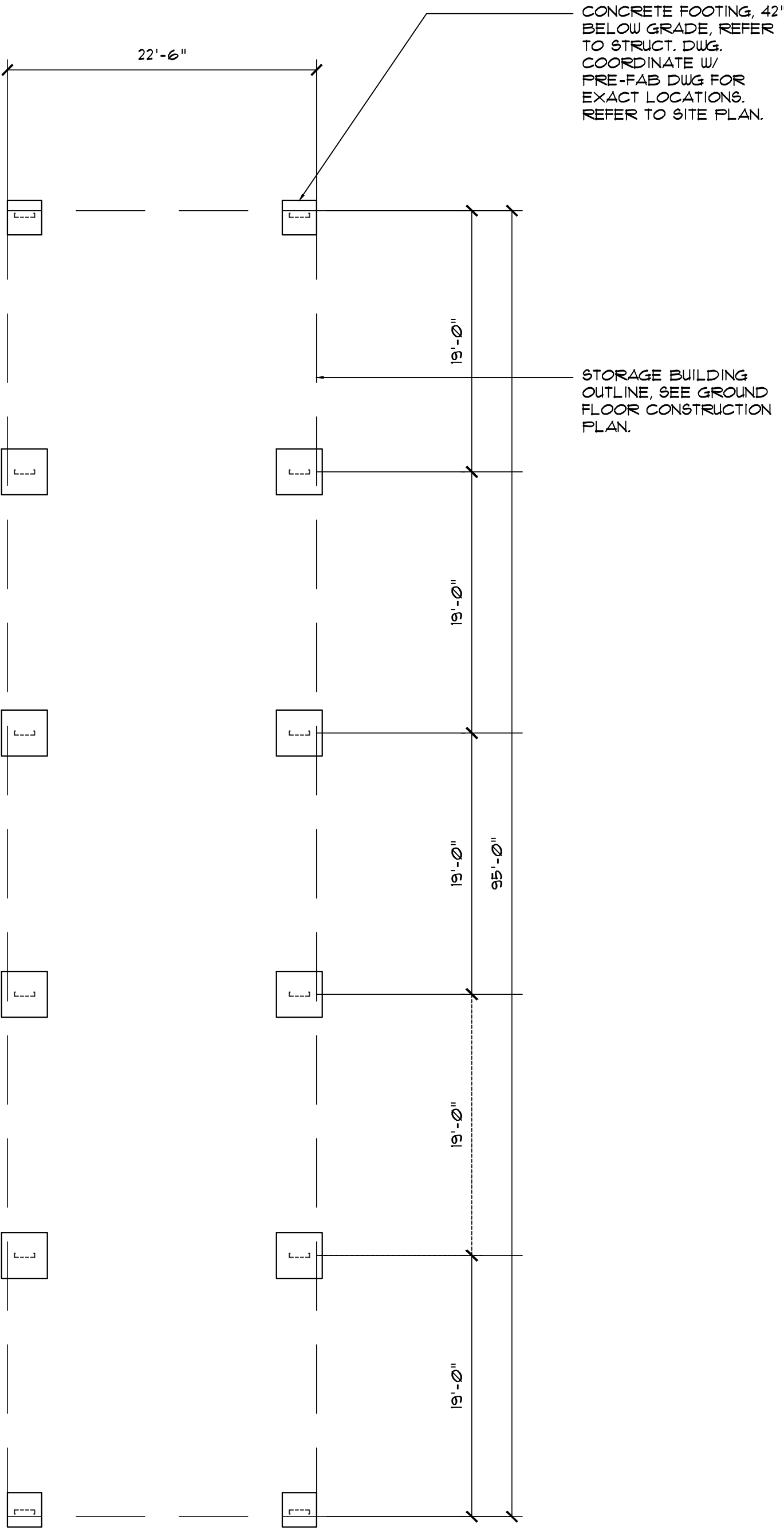
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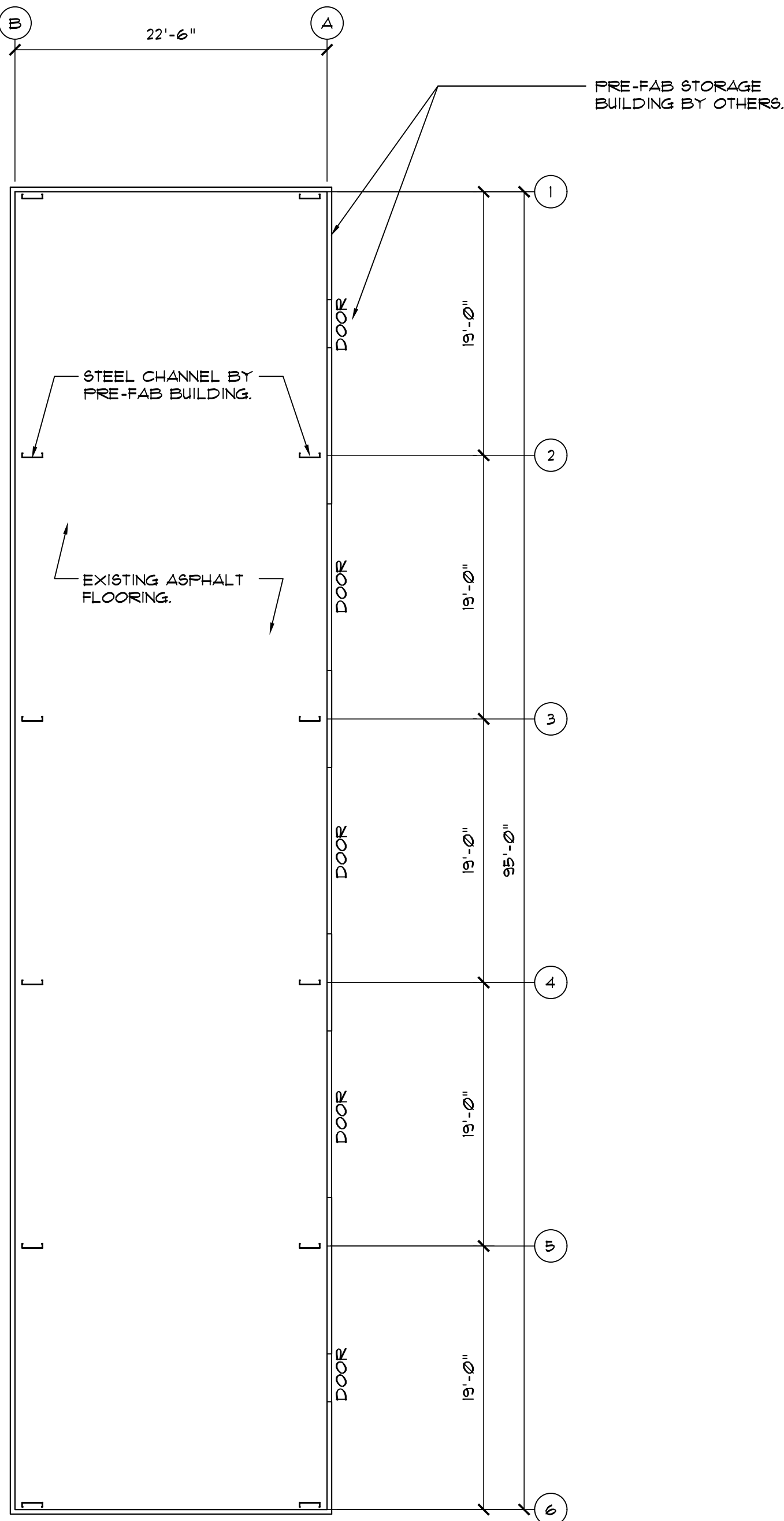
CONSTRUCTION PLANS,
BUILDING HEIGHT
DIAGRAM

SHEET NO.

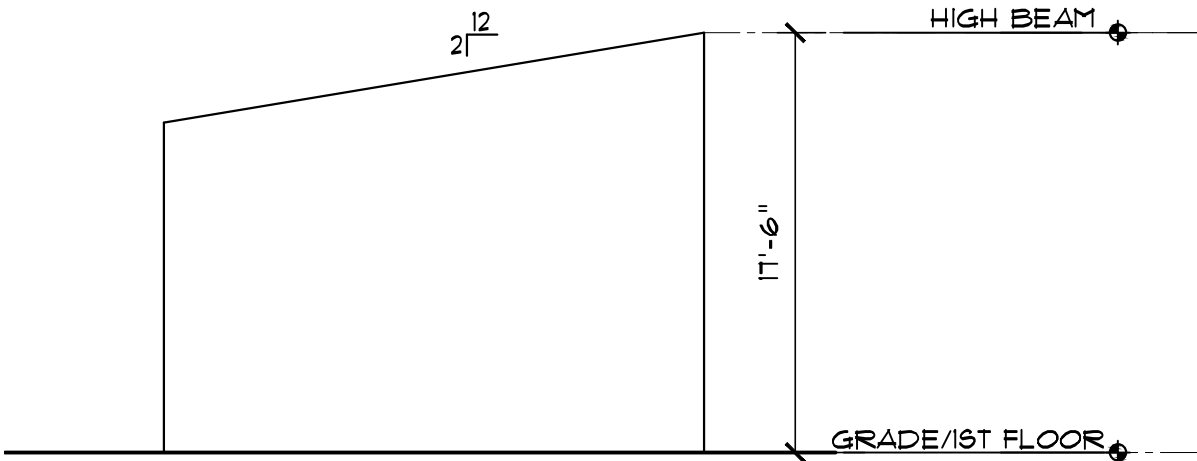
A-2



1 STORAGE
FOOTING & FOUNDATION PLAN
SCALE: 1/8"=1'-0"



2 STORAGE
GROUND FLOOR CONSTRUCTION PLAN
SCALE: 1/8"=1'-0"



3 BUILDING HEIGHT DIAGRAM
SCALE: 1/8"=1'-0"

Stormwater Pollution Prevention Plan for Proposed Building

STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

OCTOBER 28, 2024

PROJECT:

Installation of Storage Building at

Trump National Golf Course

**100 SHADOW TREE LANE
BRIARCLIFF MANOR, NEW YORK 10510**

Prepared for:

TRUMP NATIONAL GOLF COURSE

Prepared by:

ARBEN CORPORATION

175 MARBLE AVENUE

PLEASANTVILLE, NEW YORK, 10570



Table of Contents

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3.0	EXISTING SITE CONDITIONS...	2
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6.0	SOIL EROSION AND SEDIMENT CONTROL.....	4
6.1	Potential Sources of Pollution.....	5
6.2	Pollution Prevention Measures	6
6.3	SWPPP Implementation.....	7
7.0	CONSTRUCTION SEQUENCE SCHEDULING	8
8.0	OPERATION AND MAINTENANCE PLAN FOR POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES	10
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LIST OF APPENDICES

Appendix A

Figures

Figure 1 – USGS Site Map

Figure 2 – Drawing SW1 - Site Plan

Figure 3 – Drawing SW2 – Sediment Control Plan

Figure 4 – Drawing SW3 - Sediment Control Details

1.0 INTRODUCTION

This Stormwater Pollution Prevention Plan (SWPPP) has been prepared in accordance with the requirement and the specifications presented in the New York State Department of Environmental Conservation (NYSDEC) SPEDES General Permit GP-0-20-001 for Stormwater Discharges for Construction Activities.

The SWPPP describes the practices and procedures necessary to minimize pollutants in stormwater discharge. The SWPPP was designed in conformance with the criteria established in the New York State Stormwater Management Design Manual and the New York State Standards and Specifications for Erosion and Sediment Control.

Site Owner/Operator

The owner/operator for the construction activities is responsible to oversee the installation and maintenance of all stormwater pollution prevention measures proposed in this report.

**Trump National Golf Course
100 SHADOW TREE LANE
BRIARCLIFF MANOR, NEW YORK 10510
(914) 944-0900**

2.0 SWPPP DEVELOPMENT AND REVIEW

SWPPP Development

The SWPPP was developed in accordance with accepted engineering practices to provide the following information:

- Potential sources of stormwater pollution from the construction site
- Protective measures to minimize the transport of sediment and pollutants during construction
- Outline the owner and contractor responsibility to maintain the post stormwater managements in compliance with the Permit GP-0-20-001.

3.0 EXISTING SITE CONDITIONS

The project is located at 100 Shadow Tree Lane, in the Briarcliff Manor, Westchester County, New York. is depicted on the USGS Topographic New York Quadrangle (Figure 1).

The current project site is improved with a 95 ft long x 22'-6" wide prefabricated storage building.

The topography of the project area is generally flat, the areas adjacent have existing buildings and a tennis court.

4.0 PROJECT DISCRIPTION

The project will consist of surgical excavation for twelve (12) concrete pier foundations and the installation of a pre-fabricated storage building.

5.0 STORMWATER MANAGEMENT

The proposed development will disturb approximately 81 SF of the site for the installation of concrete piers. Since the ground disturbance area is less than 1-acre, the project is not required to meet the water quantity and water quality requirements of New York State Stormwater Management Design Manual nor is the project required to file a Notice of Intent (NOI) with the NYSDEC. The development will, however, will result in ground disturbance activities. Contractor must provide erosion control Best Management Practices (BMPs) during construction to minimize sediment from entering into the existing four (4) catch basins.

6.0 SOIL EROSION AND SEDIMENT CONTROL

During construction, there will be no erosion as the area is paved. There will be temporary sediment controls via the use of filter logs.

6.1 Potential Sources of Pollution

Construction activities that have the potential to contribute sediment to storm water discharges include:

- Surgical Excavation

6.2 SWPPP Implementation

The following contractor will be responsible for implementation and maintenance of the SWPPP:

Arben Corporation

The above Contractor shall be responsible for installing, constructing, repairing, inspecting and maintaining the erosion and sediment control practices including SWPPP.

7.0 CONSTRUCTION SEQUENCE

Construction will be completed in a single phase. Single-phase construction allows for an entire project to be completed in a continuous schedule with no lapses or breaks. Construction will follow normally expected construction standards.

The following sequence of activities comprises the construction work to be conducted at the site:

1. All sediment control measures will be implemented as required prior to any ground disturbance to prevent the transport of sediment to offsite areas (i.e., adjacent properties or roadway).
 - a. Installation of filter logs along the limits of disturbance for the duration of the work that will cause potential contamination.

8.0 OPERATION AND MAINTENANCE PLAN FOR POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES

The construction of this project will not require any post-construction management practices.

9.0 CONCLUSION

The project improvements indicated on the design drawings and shown in this report demonstrate that the stormwater management practices selected are in conformance with the requirements of the New York State Stormwater Design Manual and the New York State Department of Environmental Conservation (NYSDEC) General Permit (GP-0-15-002).

10.0 REFERENCES

1. New York State Stormwater Management Design Manual,
2. FEMA maps (MAP# 36119C0358F)

FIGURE 1

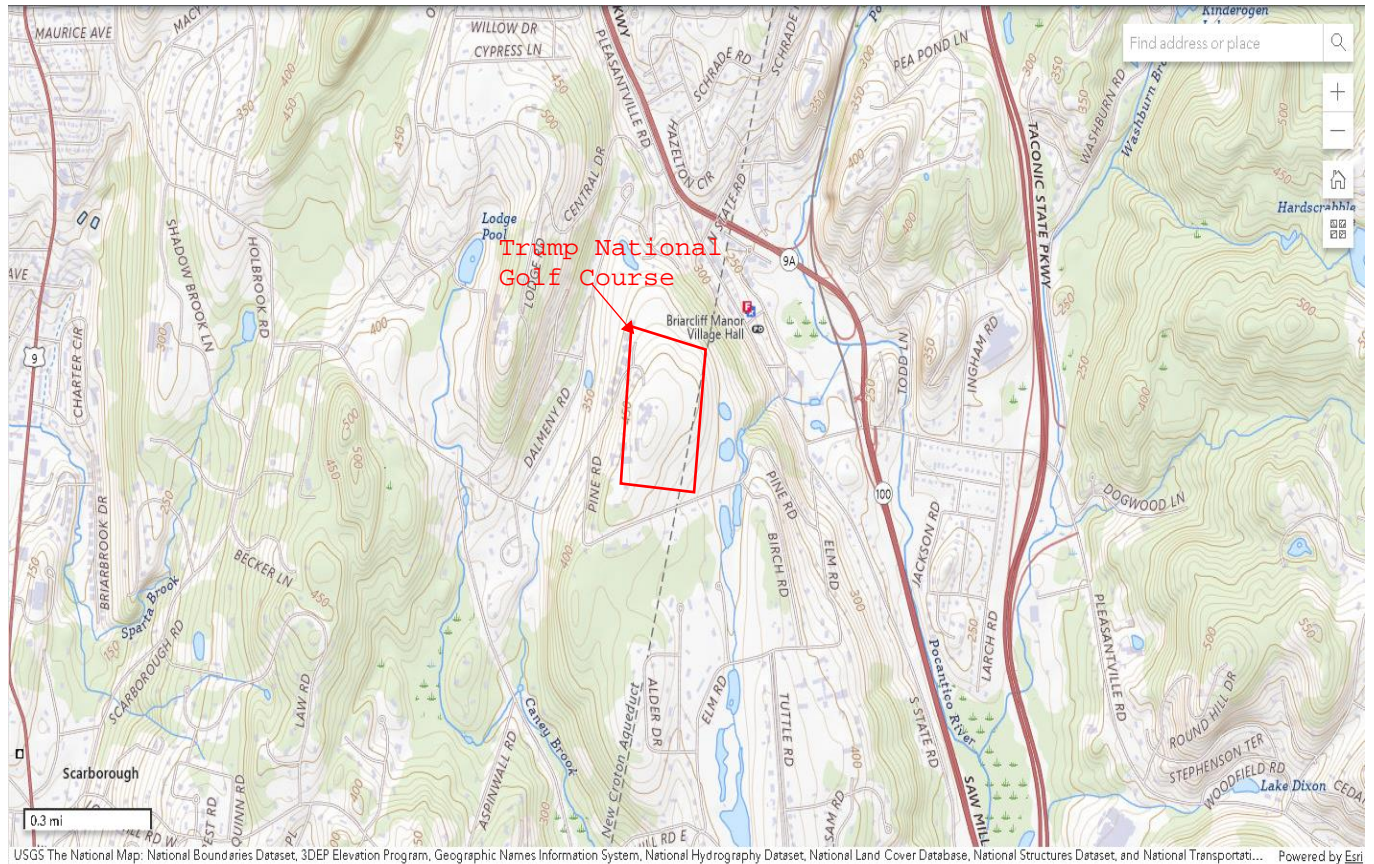
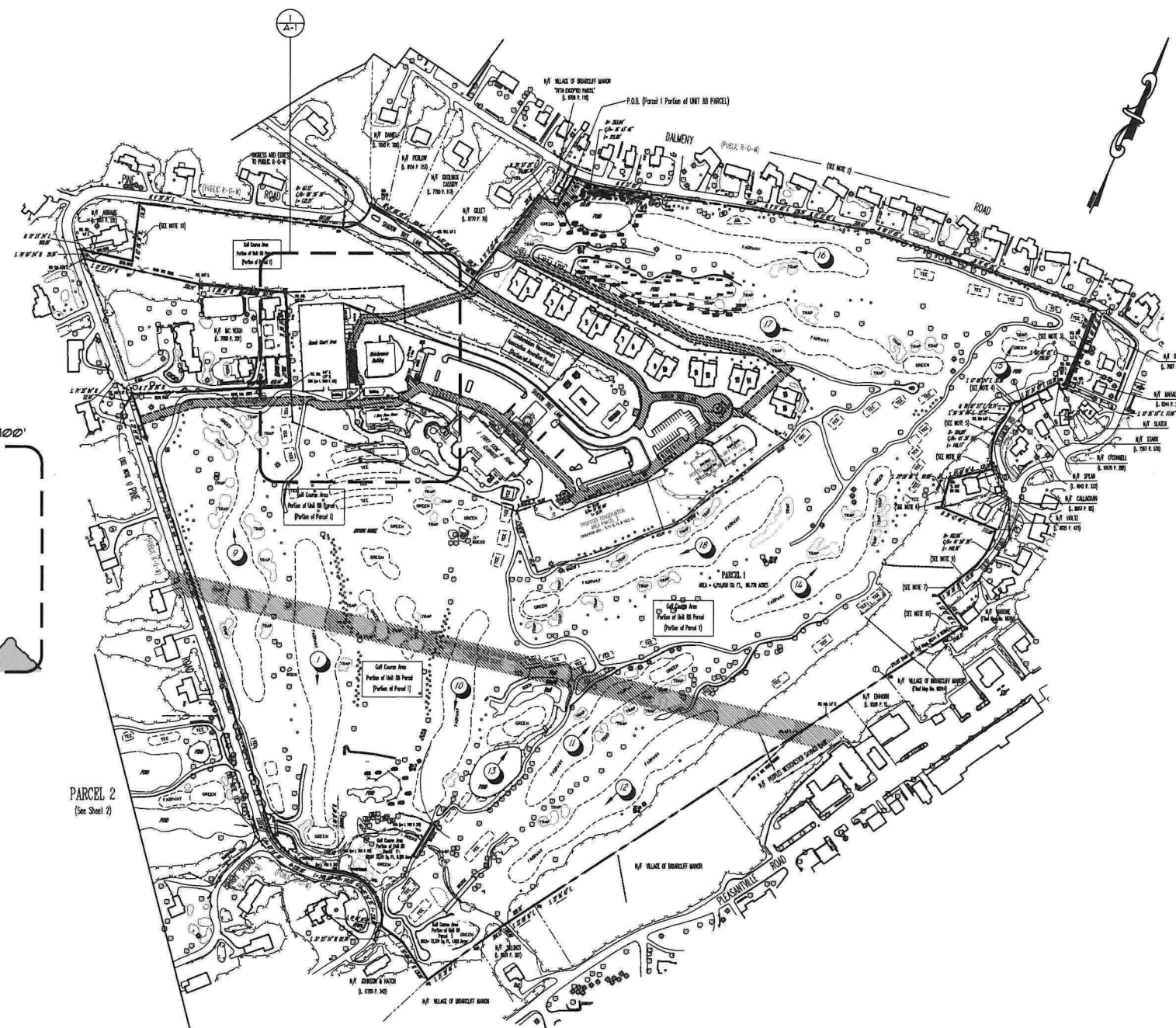
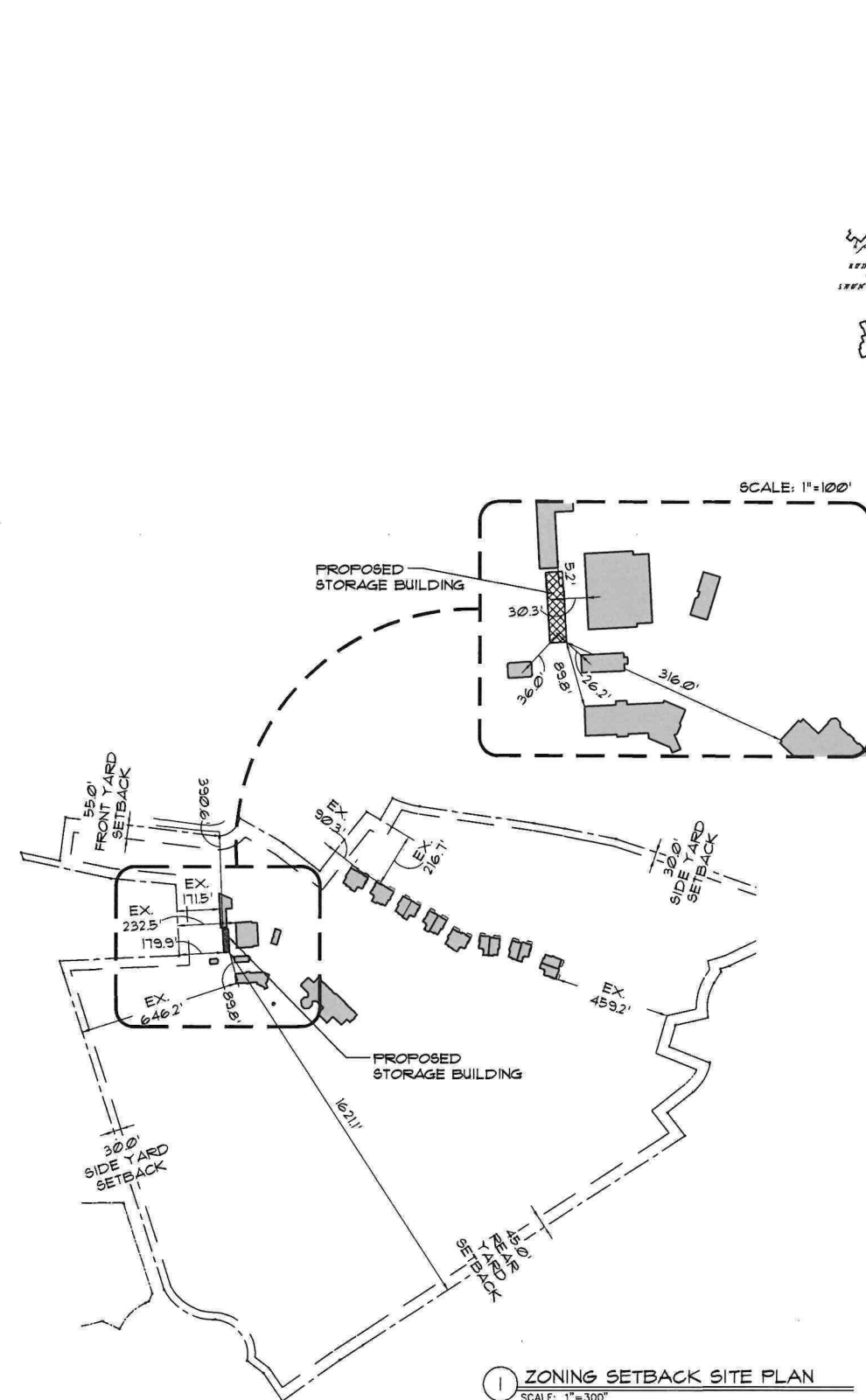


FIGURE 2

NEW STORAGE BUILDING TO
TRUMP NATIONAL GOLF COURSE

LIST OF DRAWINGS

- SP-1 ZONING ANALYSIS AND SITE PLAN
A-1 ENLARGED SITE PLAN
A-2 CONSTRUCTION PLANS AND BUILDING HEIGHT DIAGRAM



2 SITE PLAN
SCALE: 1"=200'

1 ZONING SETBACK SITE PLAN
SCALE: 1"=300'

**TRUMP
NATIONAL
GOLF COURSE**

100 SHADOW TREE LN
BRIARCLIFF MANOR, NY 10510

ARCHITECT

d+ dimovski architecture
59 Kensico Road, Thornwood, NY 10594
(914) 747-3500 | (914) 747-3588 fax
www.dimovskiarchitecture.com

STRUCTURAL ENGINEER

CHARLES A. MANGANARO
CONSULTING ENGINEERS

A PROFESSIONAL CORPORATION
303 SOUTH BROADWAY, SUITE 223, TARRYTOWN, NY 10591-5488

SHAILESH R. NAIK, P.E.
NEW YORK LICENSE No. 072797-1

1	ISSUE FOR TOWN REVIEW	10/25/2024
NO.	REVISION/ISSUE	DATE

PROJECT

STORAGE BUILDING

DATE:	03/28/2017
PROJECT NO:	DA 24152
DRAWN BY:	YK
CHECKED BY:	PD/SGD
SCALE:	AS NOTED

DRAWING TITLE

SITE PLAN

SHEET NO.

SW1

FIGURE 3

**TRUMP
NATIONAL
GOLF COURSE**

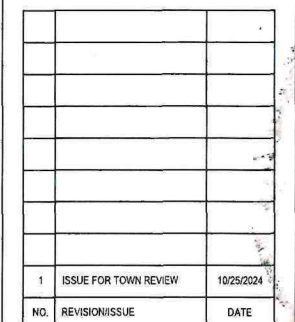
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SHAILESH R. NAIK, P.E.
NEW YORK LICENSE No. 072797-1



STORAGE BUILDING

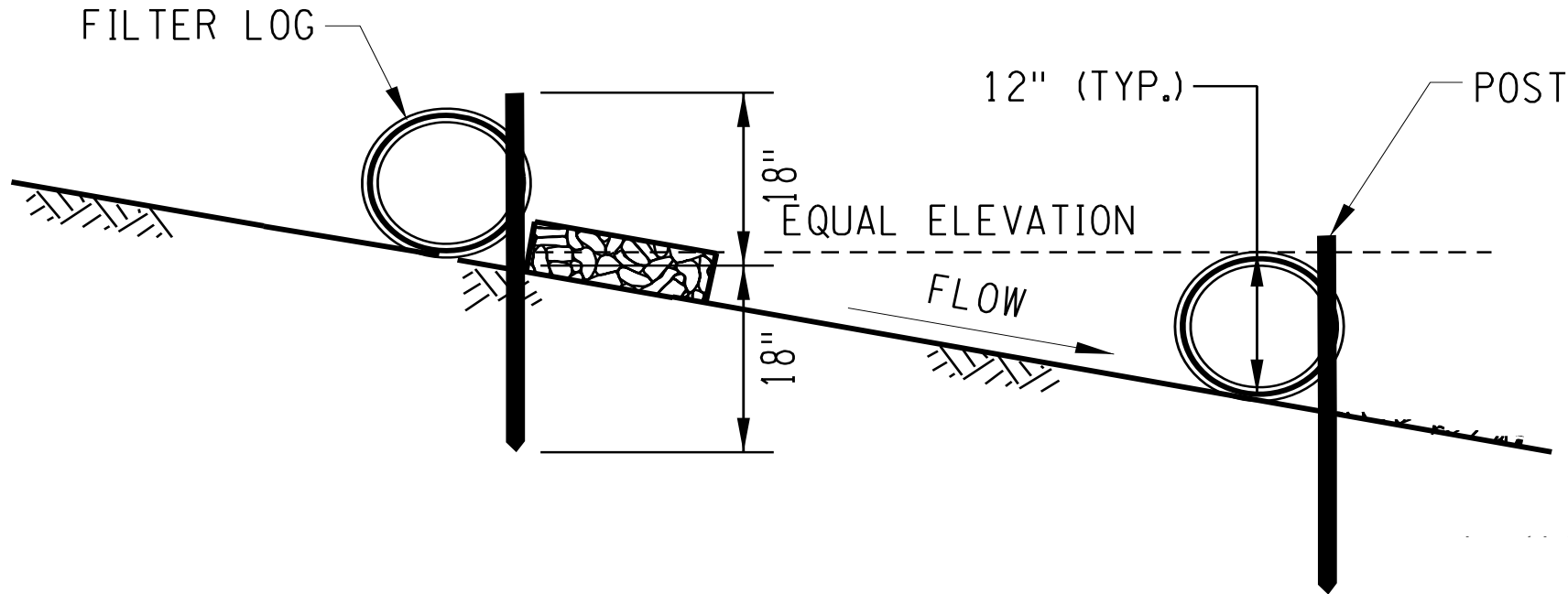
DATE:	03/28/2017
PROJECT NO:	DA 24152
DRAWN BY:	YK
CHECKED BY:	PD/SGD
SCALE:	AS NOTED

SEDIMENT
CONTROL
PLAN

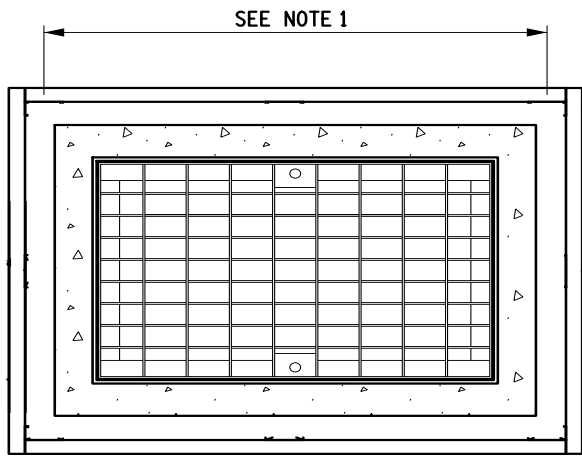
SW2

FIGURE 4

Filter Log Detail



Catch Basin Sediment Filter



PLAN

DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY

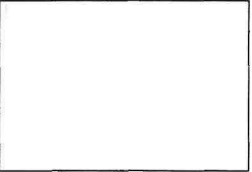
- Note
- 1. Monitor and Clean Filter Sediment Daily

TRUMP
NATIONAL
GOLF COURSE
100 SHADOW TREE LN
BRIARCLIFF MANOR, NY 10510

ARCHITECT
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SHAILESH R. NAIK, P.E.
NEW YORK LICENSE No. 072797-1

1	ISSUE FOR TOWN REVIEW	10/25/2024
NO.	REVISION/ISSUE	DATE



PROJECT
STORAGE
BUILDING

DATE:	03/28/2017
PROJECT NO:	DA 24152
DRAWN BY:	YK
CHECKED BY:	PD/SGO
SCALE:	AS NOTED

DRAWING TITLE
SEDIMENT
CONTOL
DETAILS

SHEET NO:
SW3

Stormwater Pollution Prevention Plan for Irrigation Test Wells

TRUMP NATIONAL GOLF CLUB LLC

STORMWATER POLLUTION PREVENTION PLAN

100 SHADOW TREE LANE

BRIARCLIFF MANOR, NY 10510

Weston & SampsonSM
Weston & Sampson Engineers, Inc.
712 Brook Street, Suite 103
Rocky Hill, CT 06067
860.513.1463
www.westonandsampson.com

DRAWING INDEX

FIGURE 1 - SITE PLAN

FIGURE 2 - PROPOSED AREAS OF DISTURBANCE

FIGURE 3 - EROSION AND SEDIMENT CONTROL PLAN (NORTH)

FIGURE 4 - EROSION AND SEDIMENT CONTROL PLAN (SOUTH)

FIGURE 5 - EROSION AND SEDIMENT CONTROL PLAN AND TRENCH
UTILITY DETAILS

FIGURE 6 - EROSION AND SEDIMENT CONTROL PLAN NOTES

PARCEL ID: 98.14-1-1
ZONING DISTRICT R40B

PROPERTY OWNER:

TRUMP NATIONAL GOLF CLUB LLC
100 SHADOW TREE LANE, BRIARCLIFF MANOR, NY 10510

APPLICANT CONTACT:

LILY BRASWELL
GENERAL MANAGER
914.944.0900

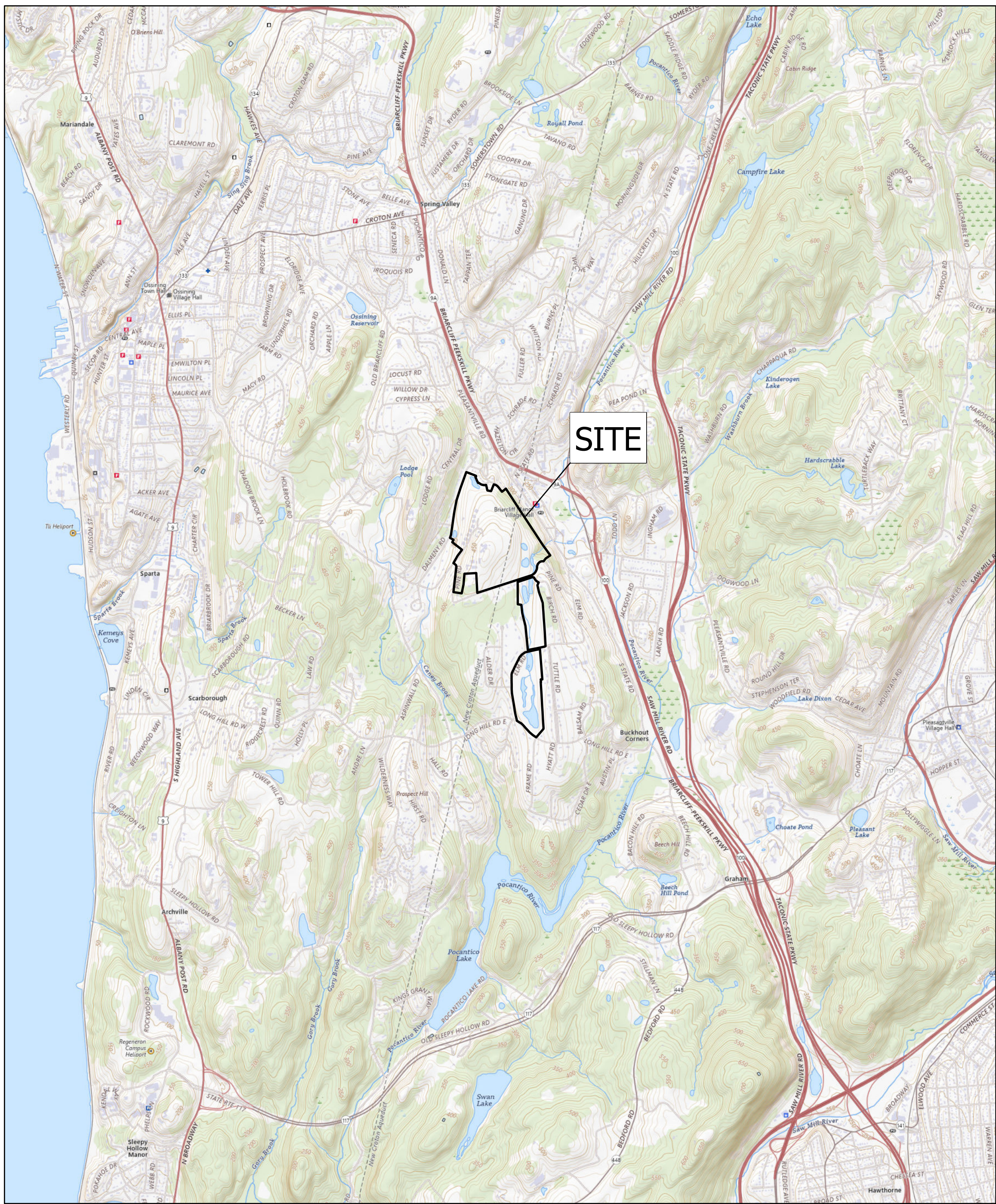
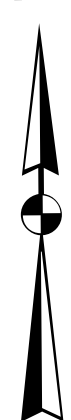
NEW YORK LICENSED PROFESSIONAL ENGINEER:

ROBERT J. CARR, PE, LEP
WESTON & SAMPSON ENGINEERS, INC.
860.595.5205

NEW YORK LICENSED PROFESSIONAL GEOLOGIST:

MICHAEL V. KAPAREIKO, PG(NY), LEP
WESTON & SAMPSON ENGINEERS, INC.
959.777.5821

N



USGS QUADRANGLE MAP

SCALE: 1" = 2,000'

NOTES

THIS SWPPP WAS PREPARED IN ACCORDANCE WITH THE NEW
YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND
SEDIMENT CONTROL (EROSION CONTROL MANUAL) AND
CHAPTER 184, ARTICLE 1 OF THE VILLAGE OF BRIARCLIFF
MANOR CODE.

ISSUED DATE:

OCTOBER 30, 2024



Robert J. Carr

ISSUED FOR:

PERMITTING

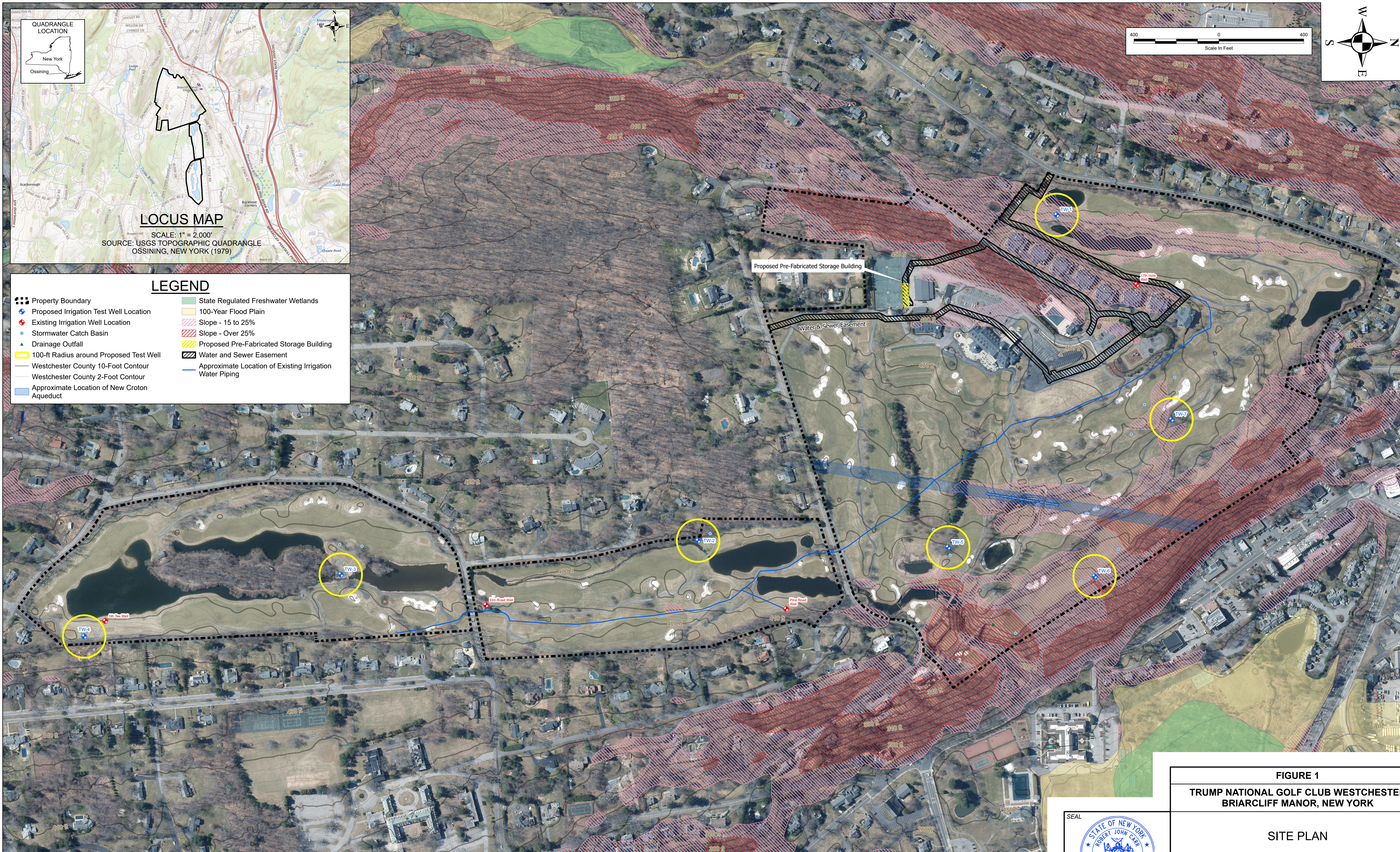
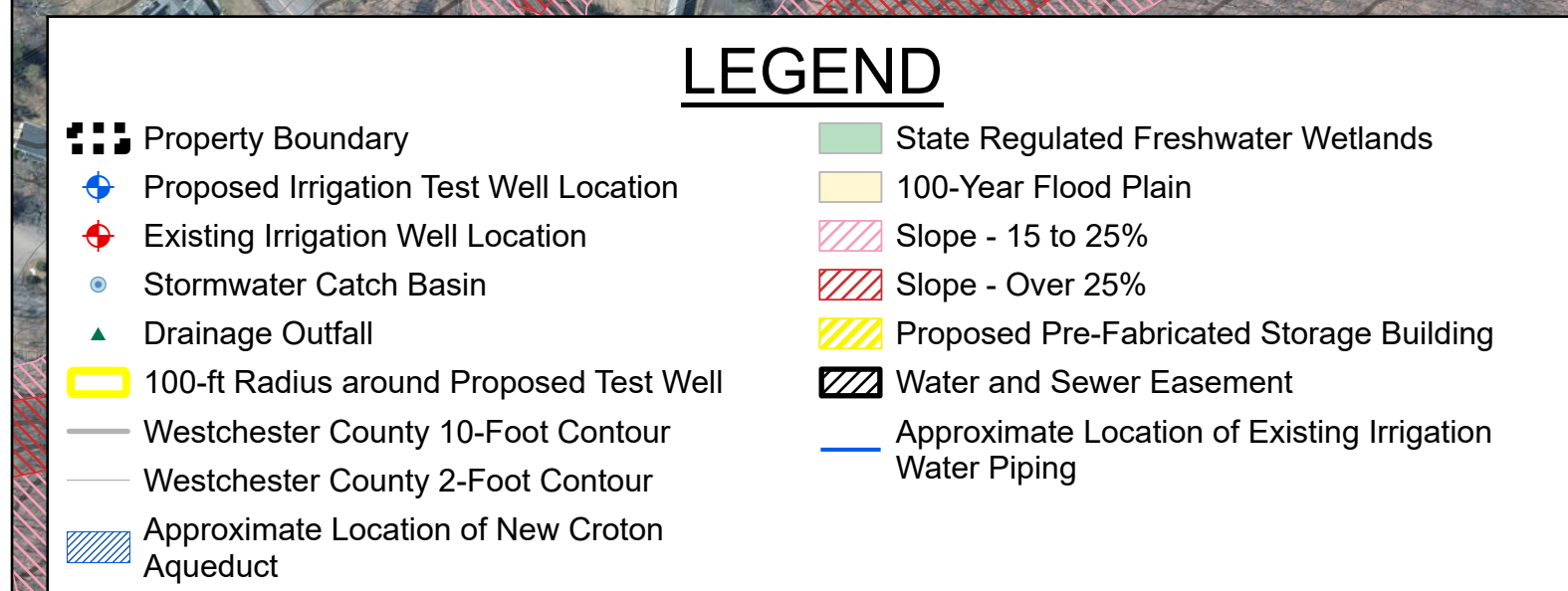
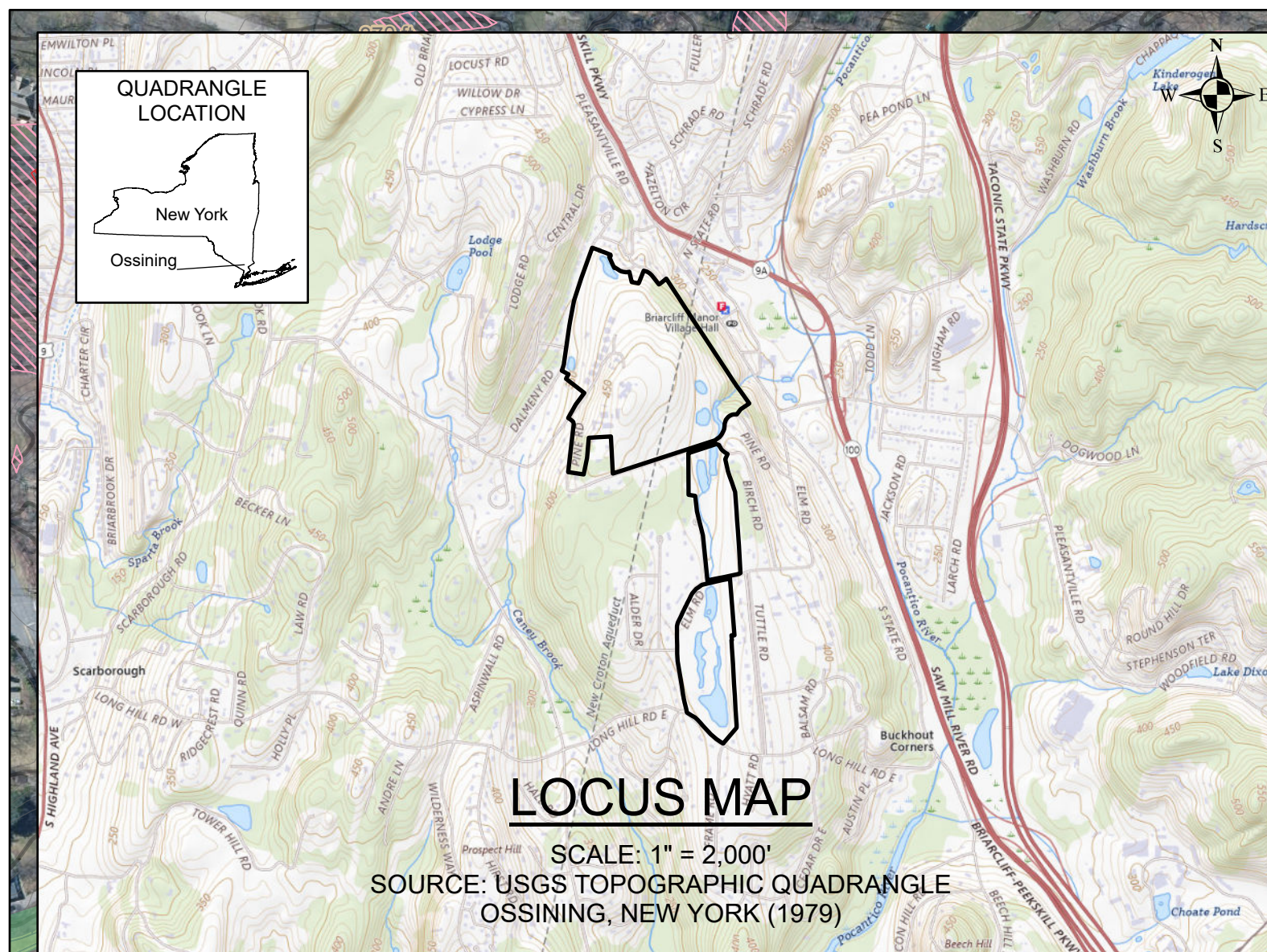
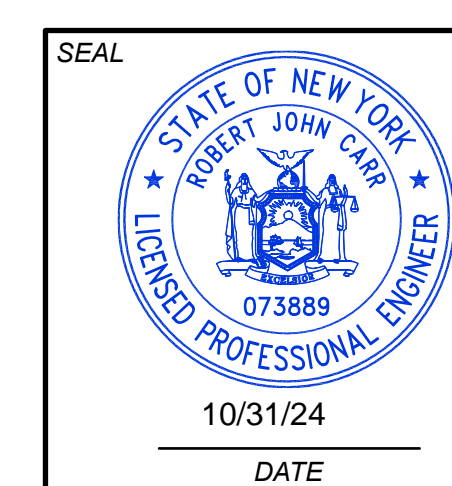


FIGURE 1
TRUMP NATIONAL GOLF CLUB WESTCHESTER
BRIARCLIFF MANOR, NEW YORK

SITE PLAN

OCTOBER 2024 SCALE: 1" = 200'

Weston & SampsonSM



D

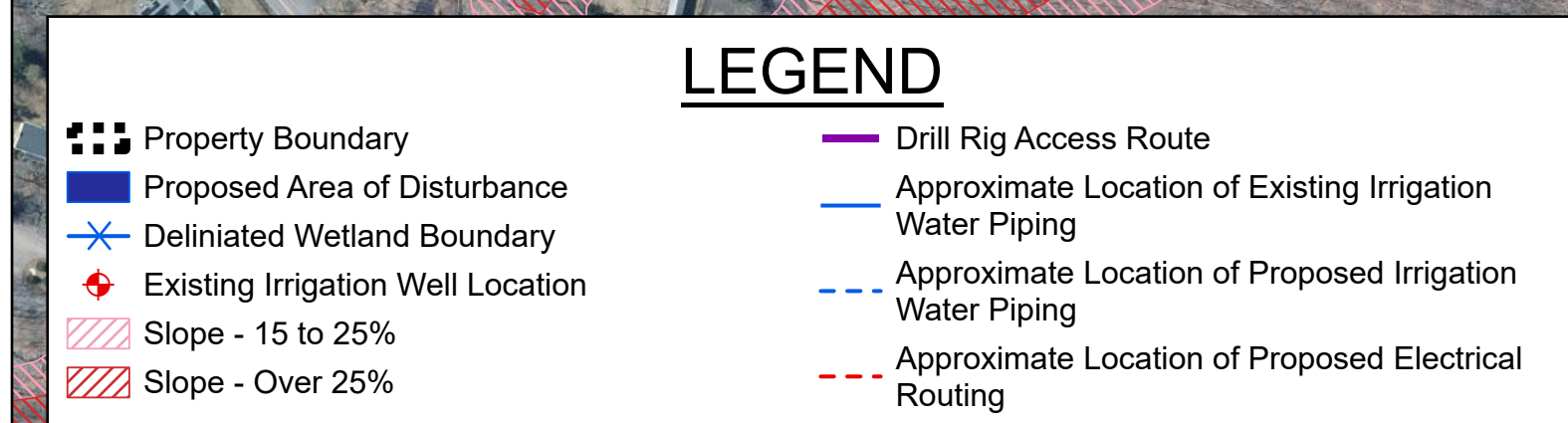
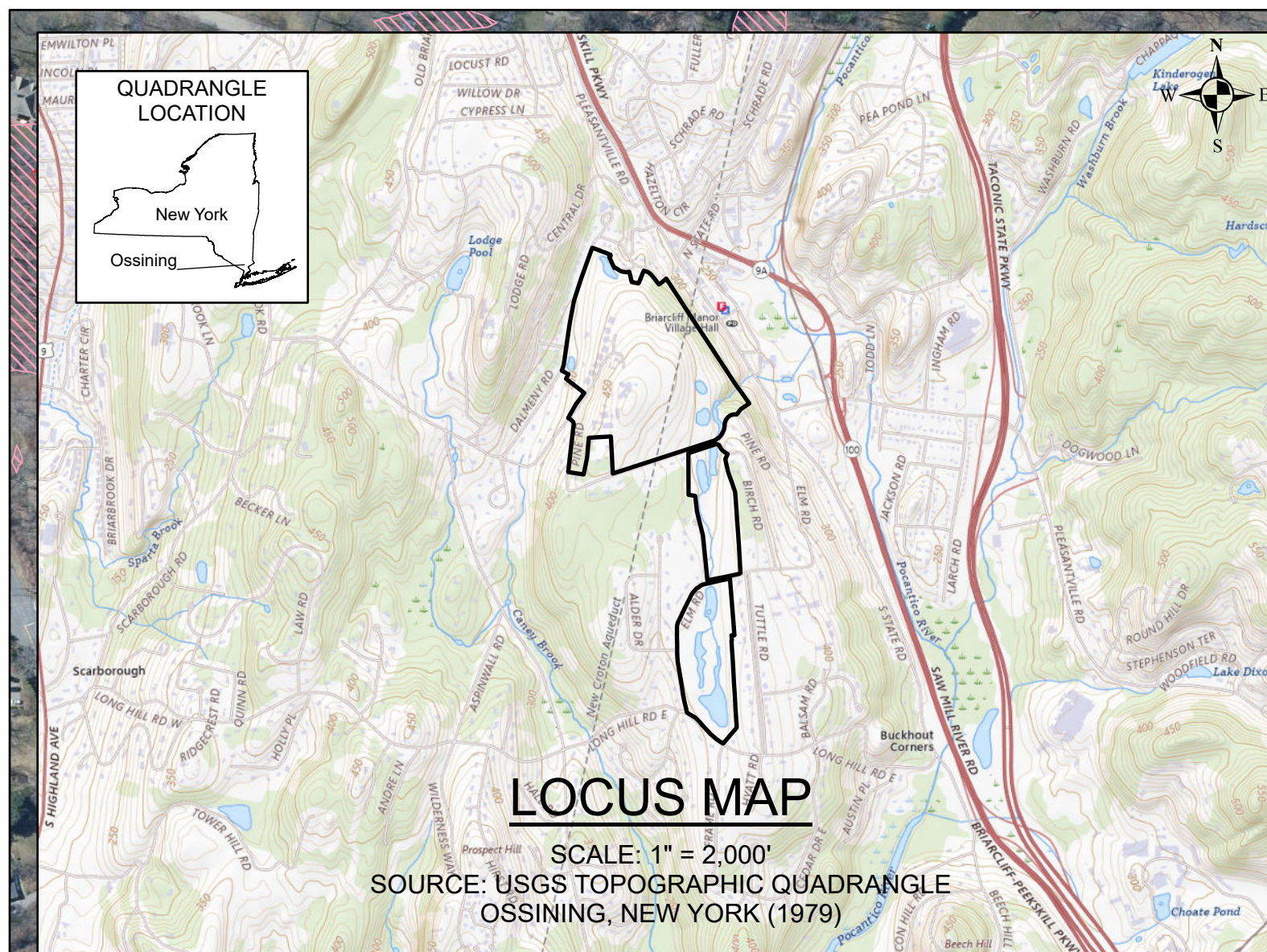
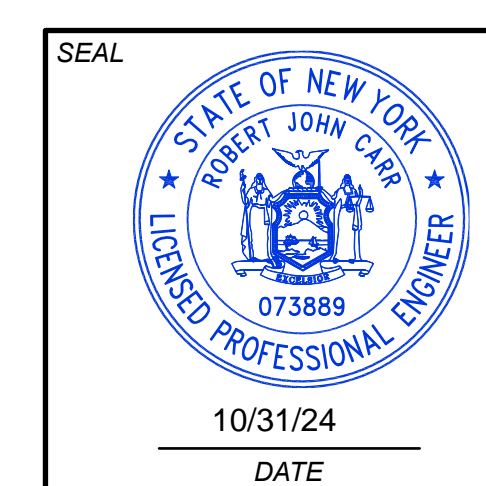


FIGURE 2
TRUMP NATIONAL GOLF CLUB WESTCHESTER
BRIARCLIFF MANOR, NEW YORK

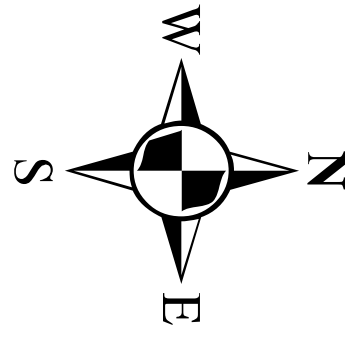
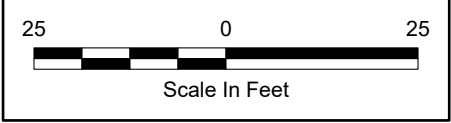
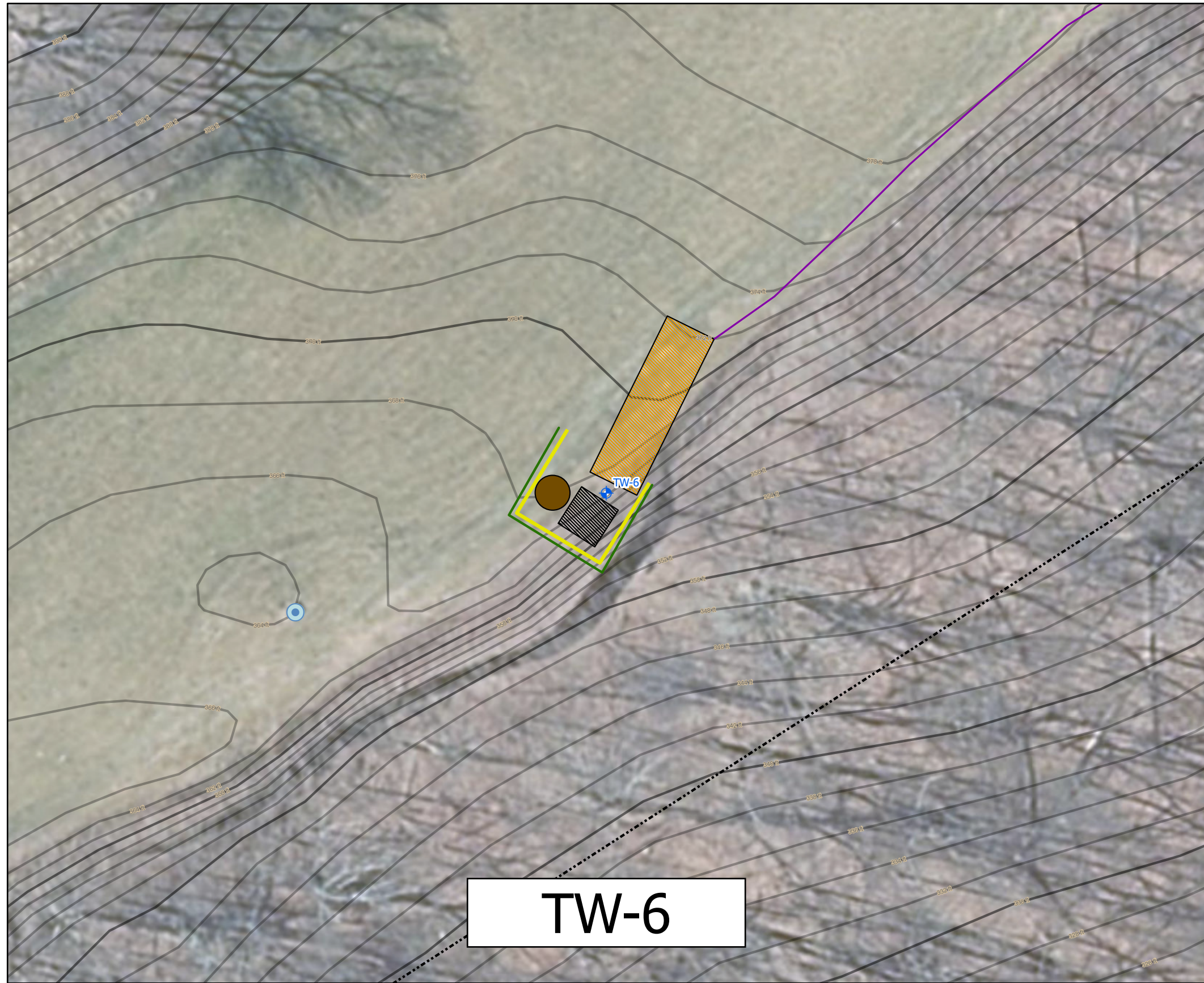
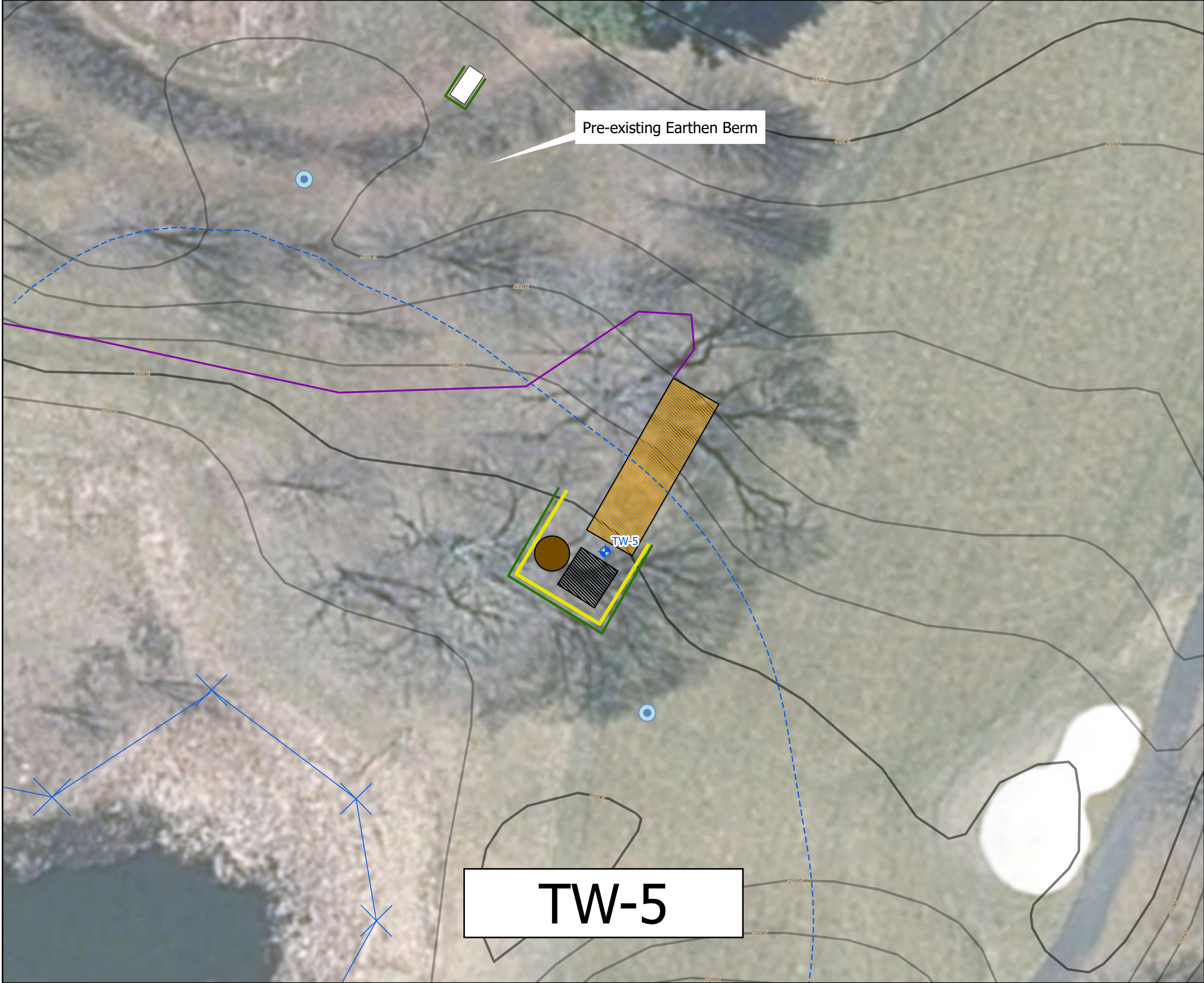
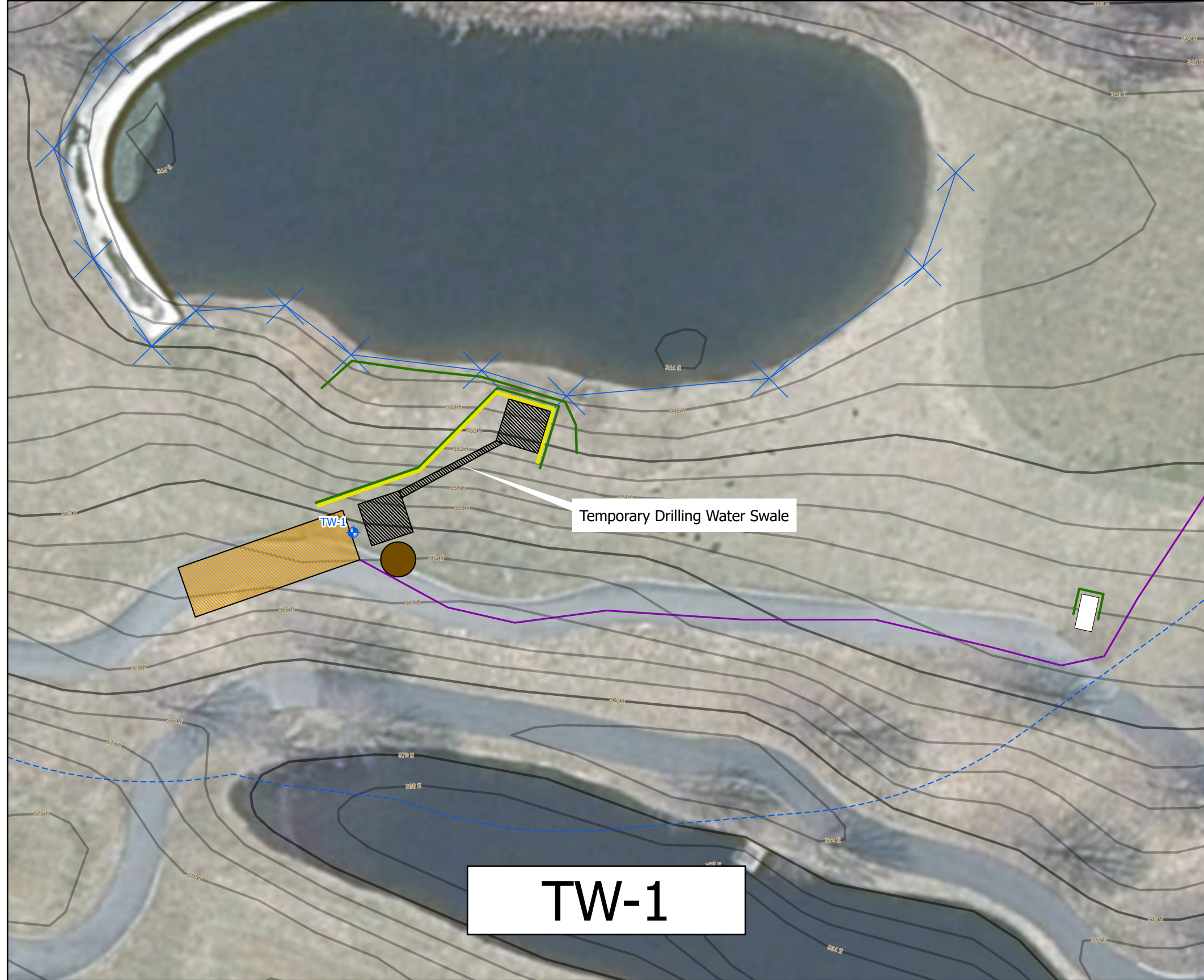
PROPOSED AREAS OF DISTURBANCE

OCTOBER 2024 SCALE: 1" = 200'



Weston & SampsonSM

D



LEGEND

- Property Boundary
- Proposed Irrigation Test Well Location
- Protected Stormwater Catch Basin
- Stormwater Catch Basin
- Drainage Outfall
- Westchester County 10-Foot Contour
- Westchester County 2-Foot Contour
- Drill Rig Footprint
- Compost Filter Sock
- Straw Bales
- Drill Cuttings Settling Pit
- Excavated Material Stockpile
- Drill Rig Access Route
- Secondary Discharge Location
- Delimited Wetland Boundary
- 100-Foot Wetland Buffer

NOTES:
1) Wetland Boundaries Delineated by KSCJ Consulting on Tuesday, September 24, 2024
2) Wetland Flags and Boundary Located by J.D. Delano Surveying Consultants

Well ID	Temporary Disturbance (square feet)	Length of Hay Bale Dike (feet)	Length of 8-inch Compost Filter Socks (feet)
TW-1	1,120	75	145
TW-2	750	80	80
TW-3	560	65	140
TW-4	520	70	70
TW-5	575	65	65
TW-6	575	65	65
TW-7	575	65	65
Total	4,675	485	630

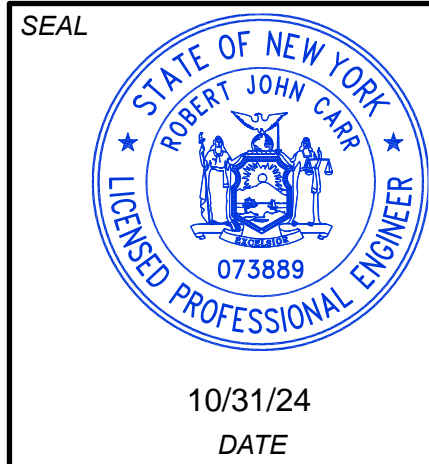
FIGURE 3

TRUMP NATIONAL GOLF CLUB WESTCHESTER
BRIARCLIFF MANOR, NEW YORK

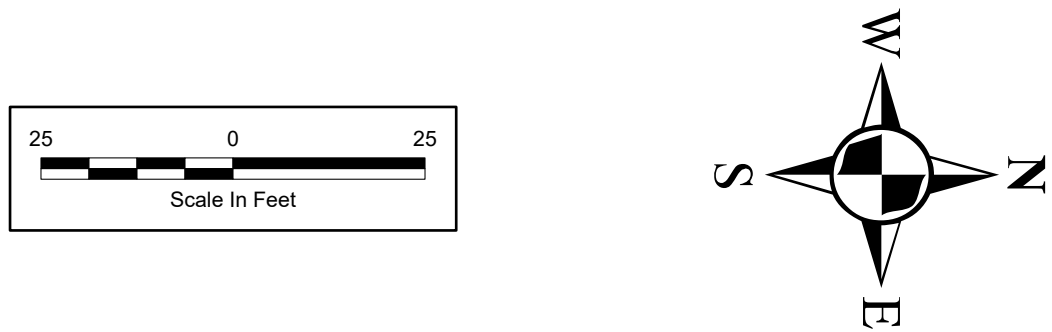
EROSION AND SEDIMENT CONTROL PLAN
(NORTH)

OCTOBER 2024

SCALE: 1" = 25'



Weston & SampsonSM



LEGEND

- Property Boundary
- Proposed Irrigation Test Well Location
- Protected Stormwater Catch Basin
- Stormwater Catch Basin
- Drainage Outfall
- Westchester County 10-Foot Contour
- Westchester County 2-Foot Contour
- Drill Rig Footprint
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TW-6	575	65	65
TW-7	575	65	65
Total	4,675	485	630

FIGURE 4

**TRUMP NATIONAL GOLF CLUB WESTCHESTER
BRIARCLIFF MANOR, NEW YORK**

**EROSION AND SEDIMENT CONTROL PLAN
(SOUTH)**

OCTOBER 2024

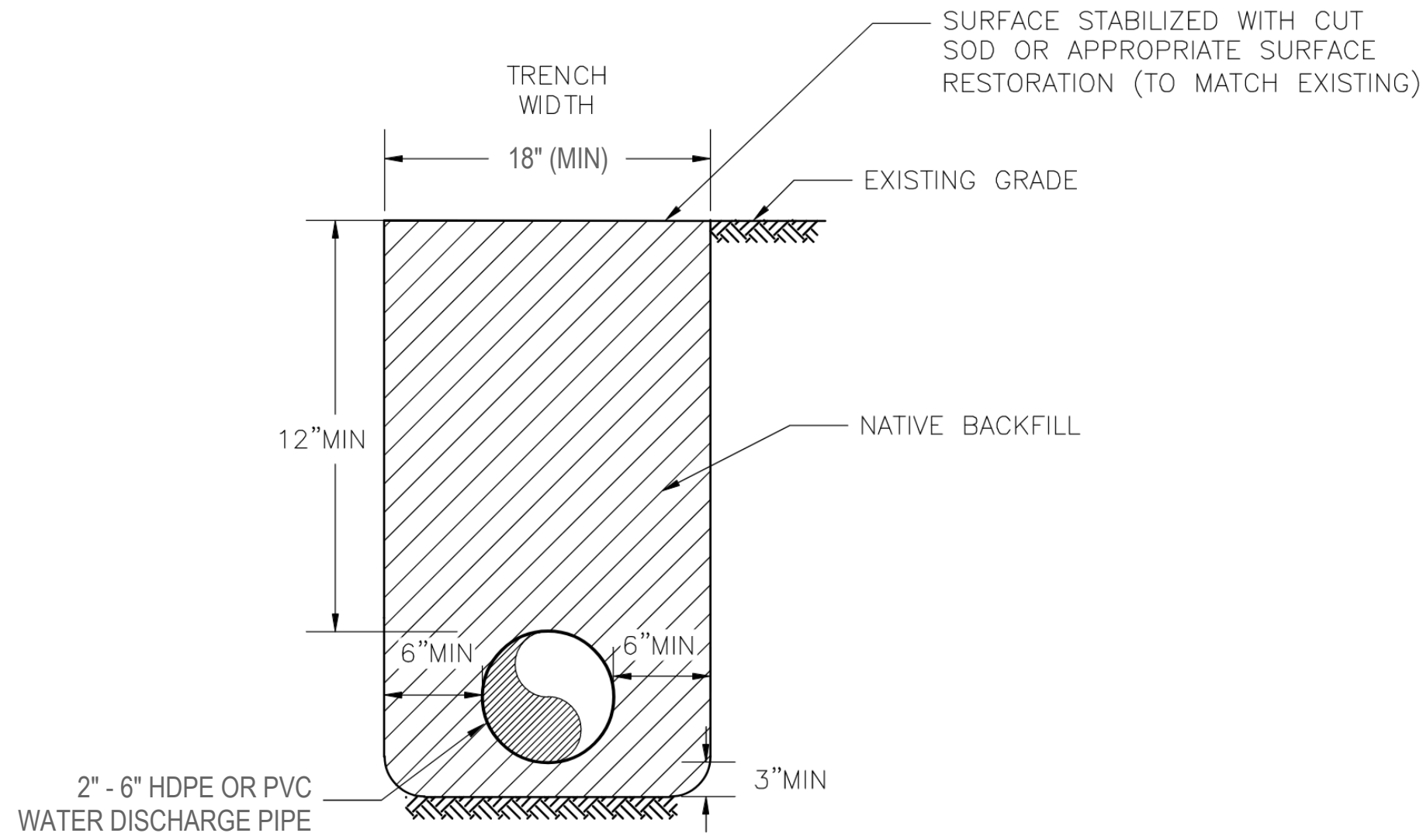
SCALE: 1" = 25'

Weston & SampsonSM

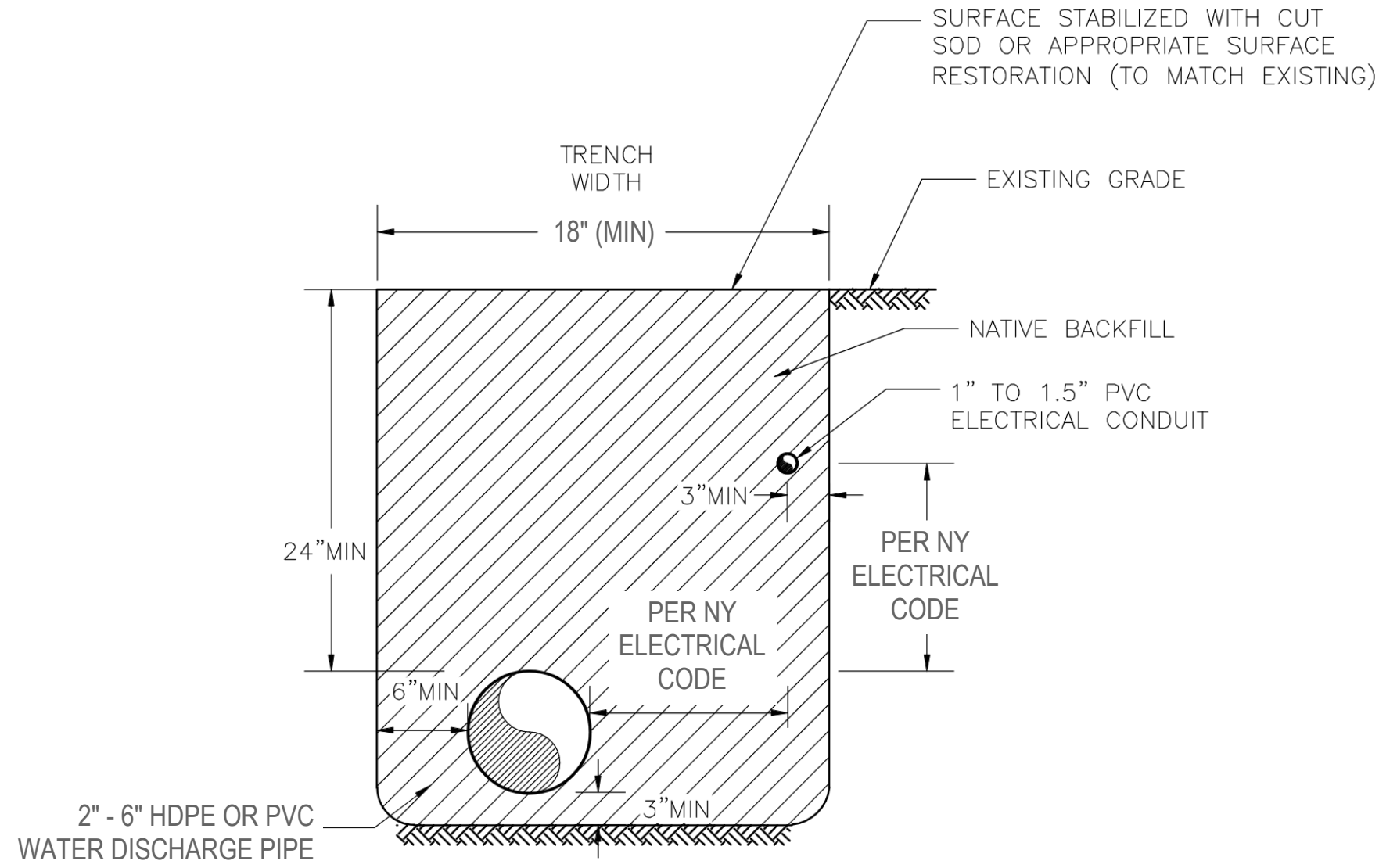


TRUMP NATIONAL GOLF CLUB WESTCHESTER

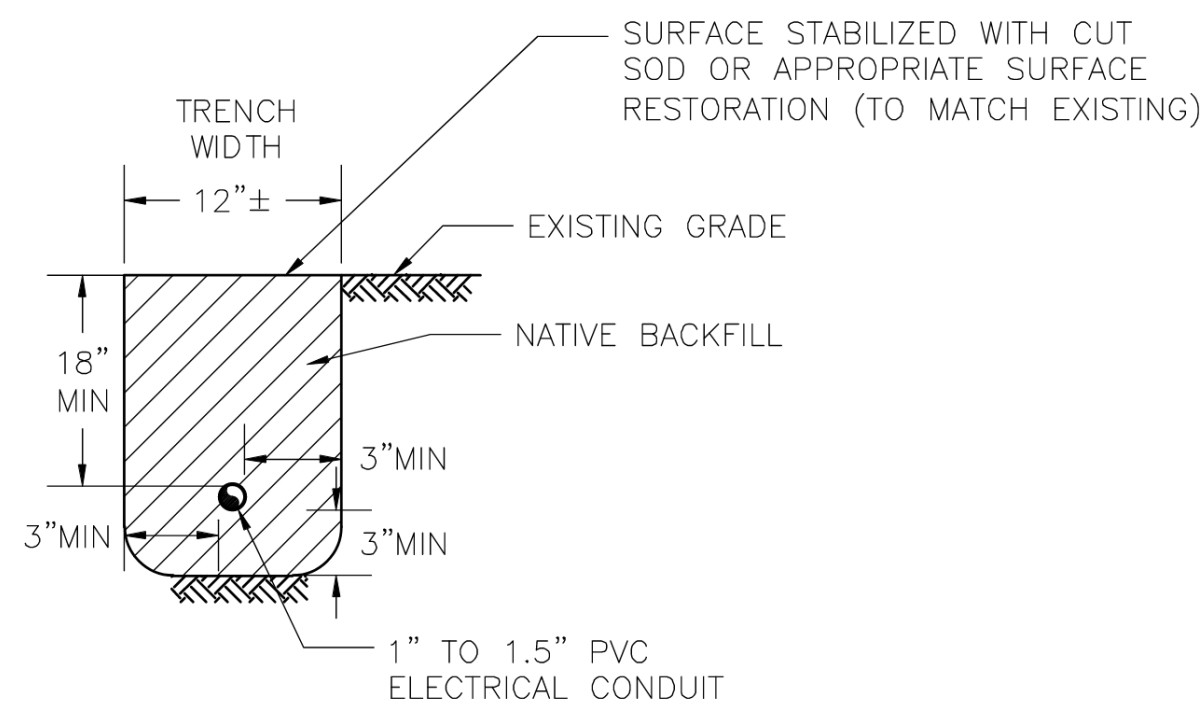
EROSION & SEDIMENT CONTROL PLAN AND TRENCH UTILITY DETAILS



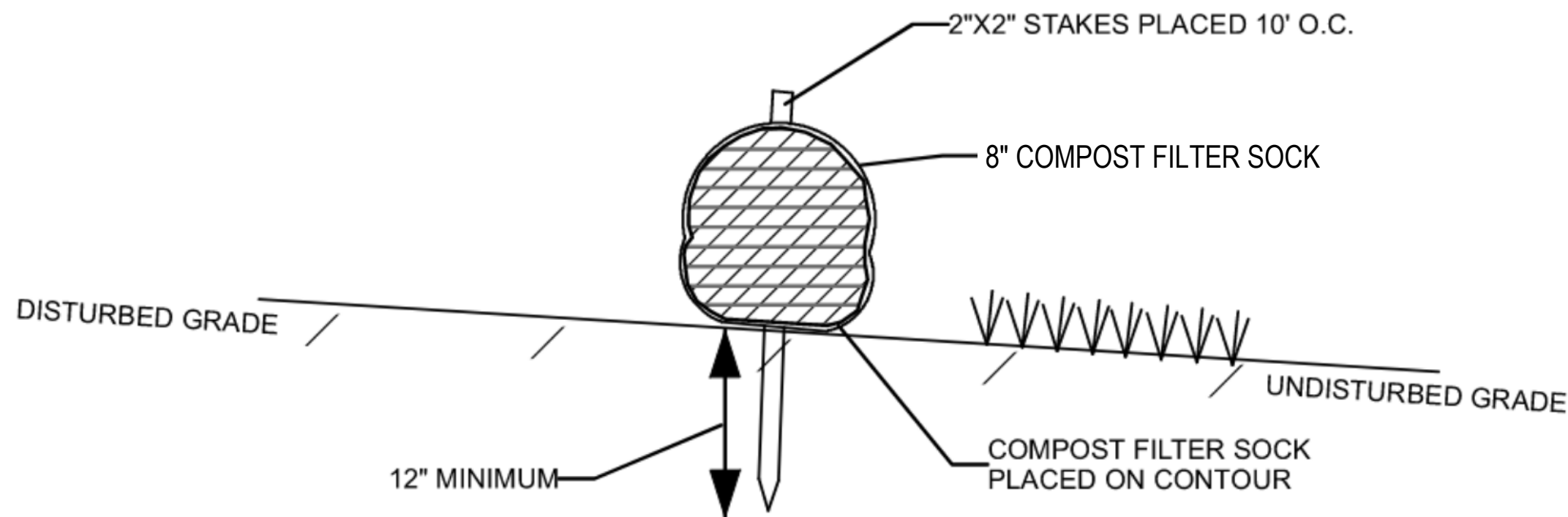
WATER PIPE TRENCH PROFILE
NOT TO SCALE



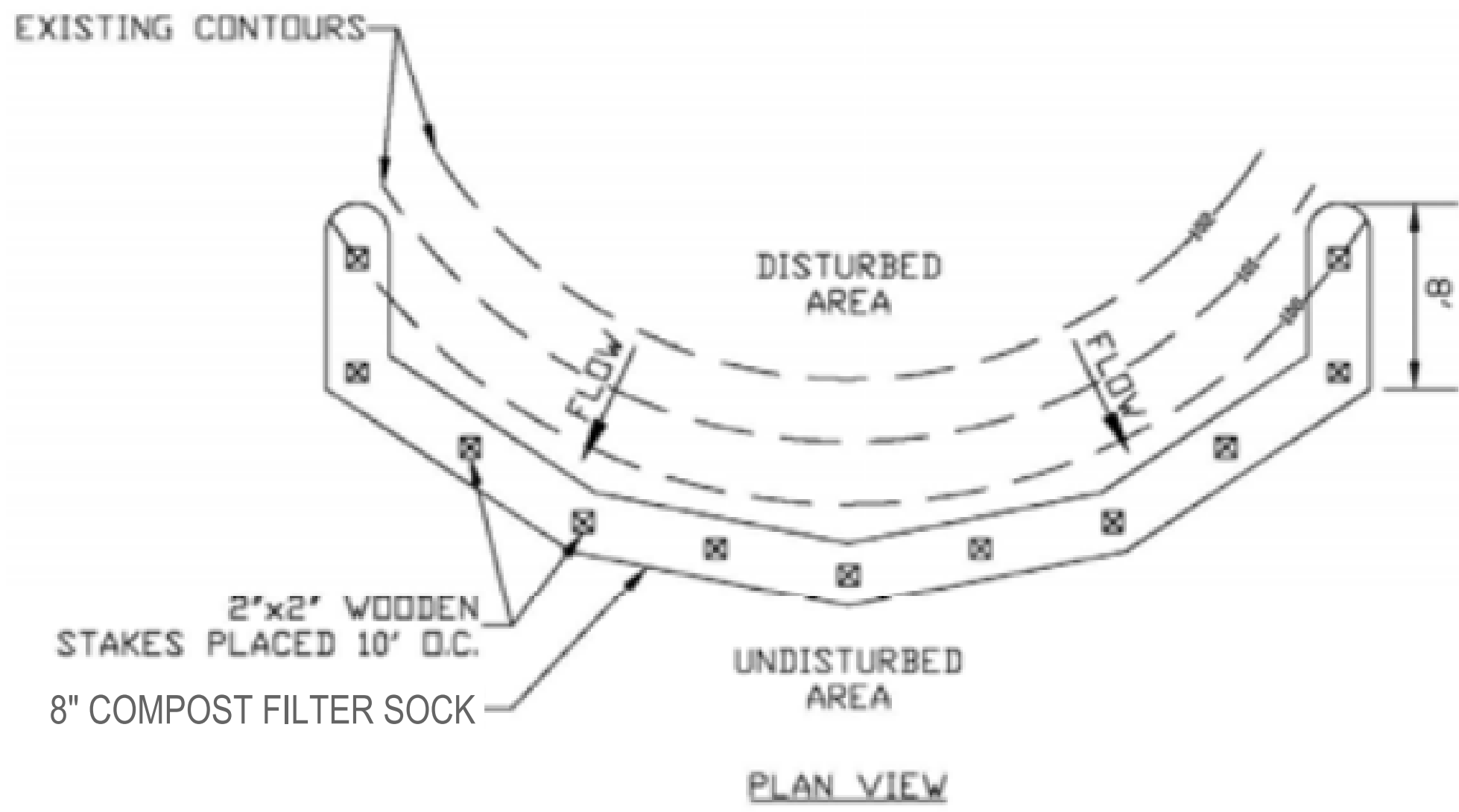
SHARED WATER/ELECTRICAL TRENCH PROFILE
NOT TO SCALE



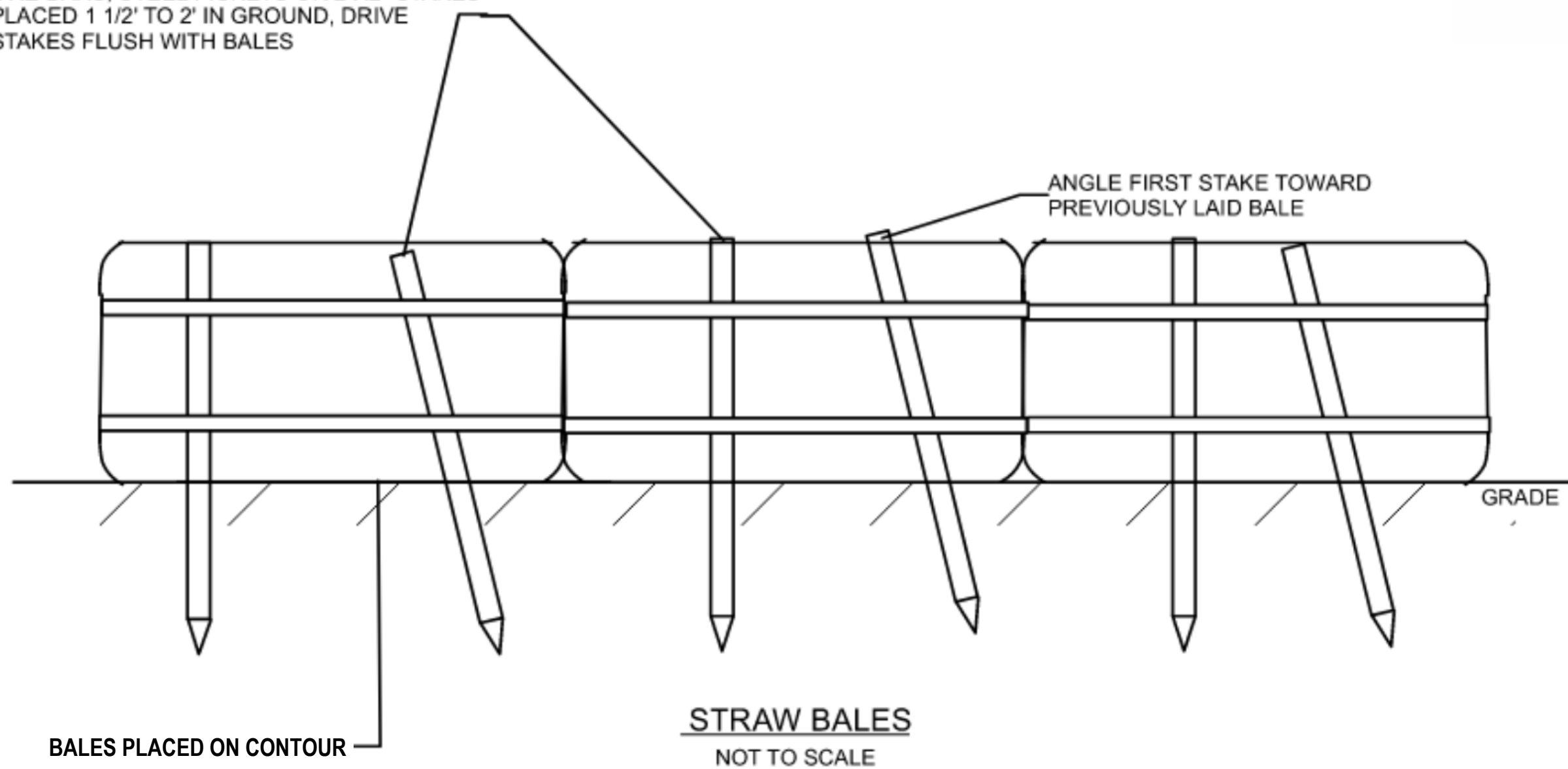
ELECTRICAL CONDUIT TRENCH PROFILE
NOT TO SCALE



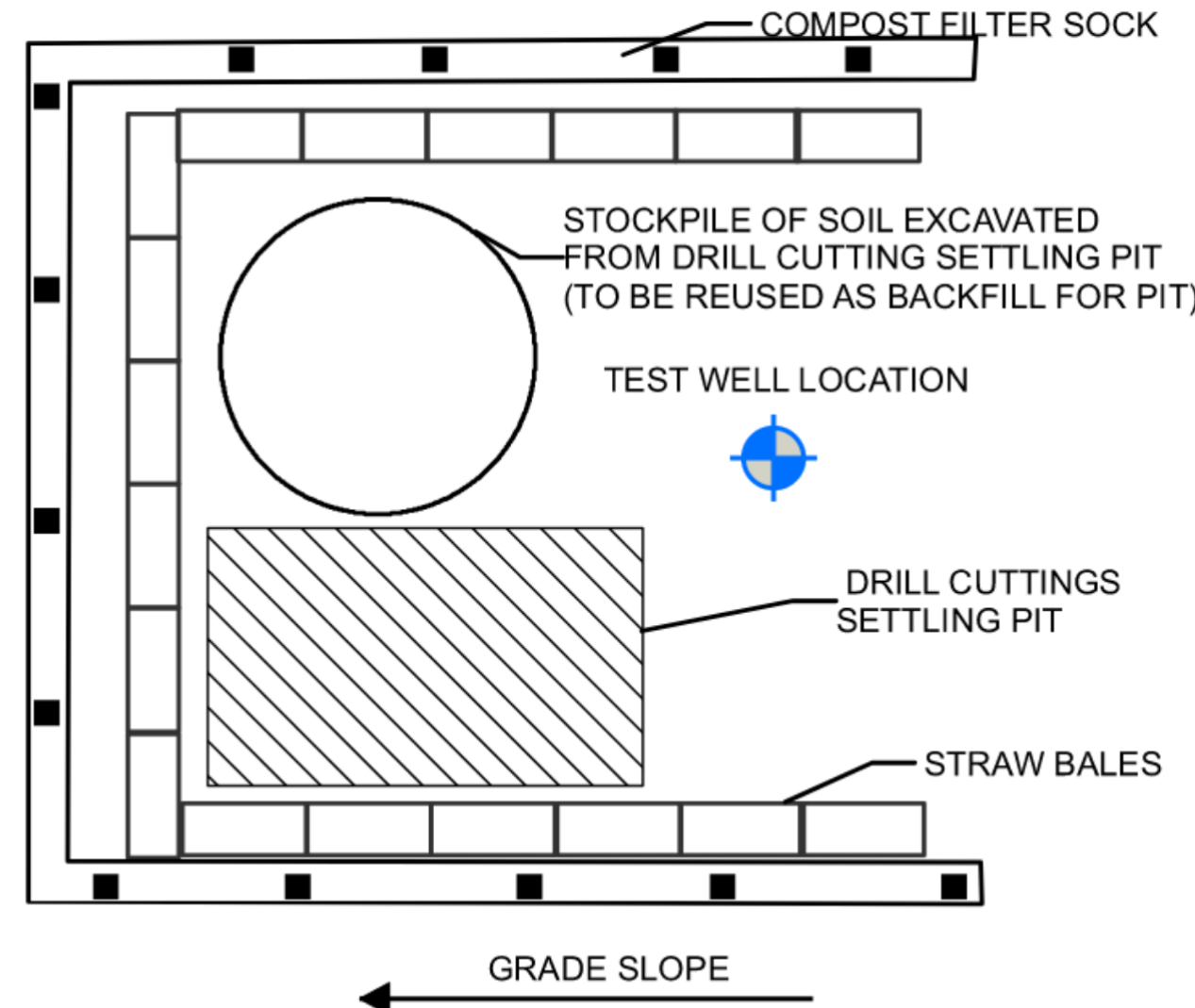
COMPOST FILTER SOCK



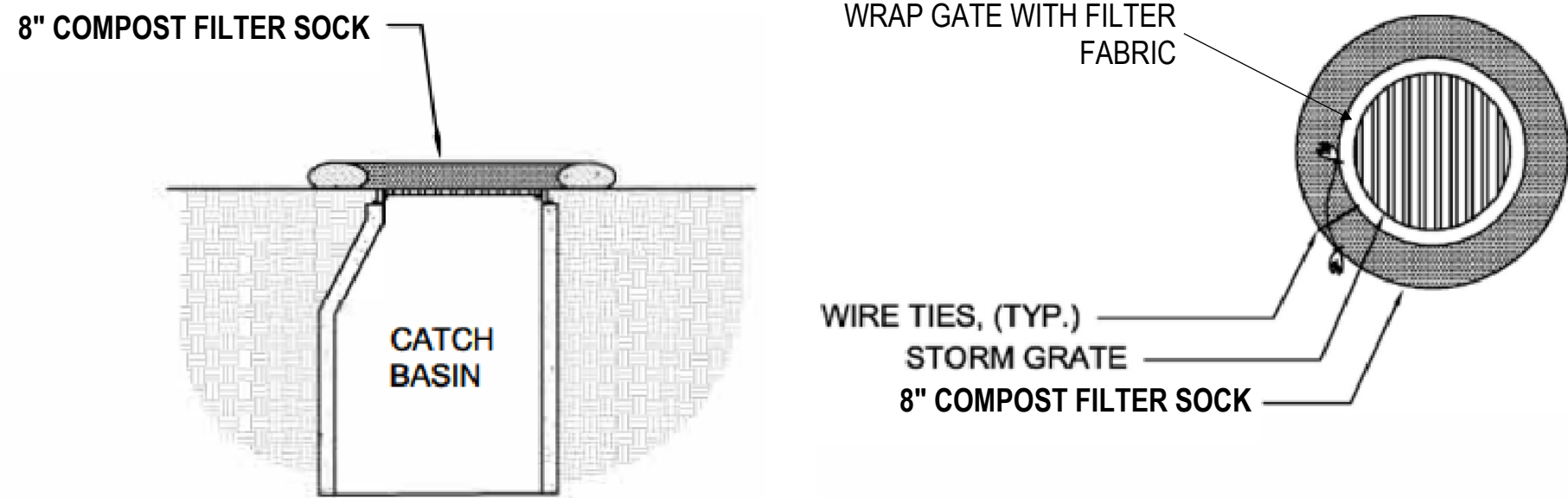
PLAN VIEW



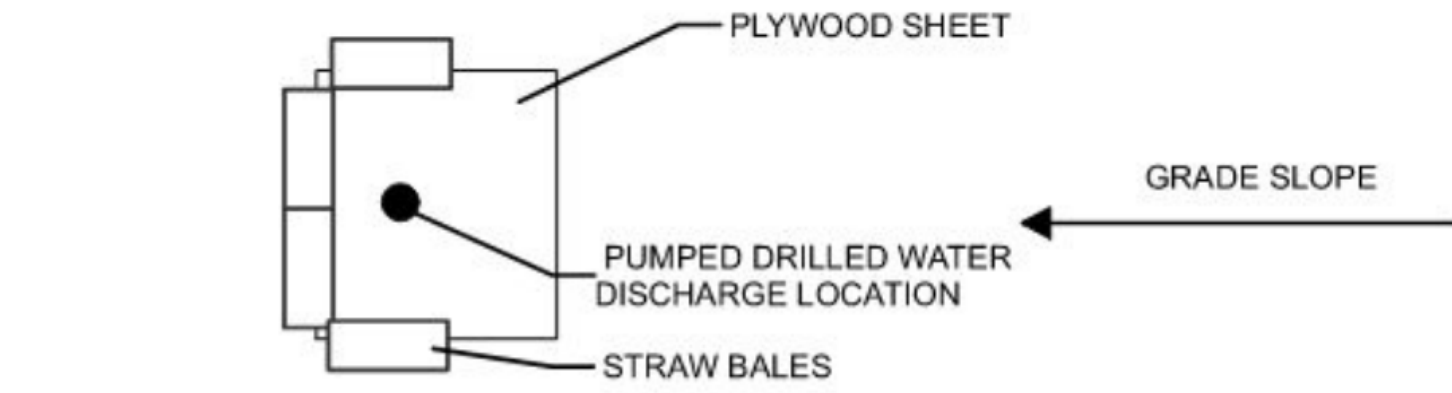
STRAW BALES
NOT TO SCALE



TYPICAL EROSION CONTROL SETUP FOR TEST WELL SITE
(INSTALLED AT EACH TEST WELL SITE)



CATCH BASIN INLET PROTECTION SECTION **CATCH BASIN INLET PROTECTION PLAN**



**EROSION CONTROLS FOR SECONDARY DISCHARGE LOCATIONS AND
PUMPED GROUNDWATER DISCHARGE LOCATIONS**

TRUMP NATIONAL GOLF CLUB WESTCHESTER

EROSION & SEDIMENT CONTROL PLAN NOTES

EROSION AND SEDIMENTATION CONTROL NOTES:

- ALL EARTH DISTURBANCES SHALL BE DONE IN ACCORDANCE WITH THE APPROVED E&S PLAN. A COPY OF THE APPROVED DRAWINGS (STAMPED, SIGNED AND DATED BY THE REVIEWING AGENCY) MUST BE AVAILABLE AT THE PROJECT SITE AT ALL TIMES. THE REVIEWING AGENCY SHALL BE NOTIFIED OF ANY CHANGES TO THE APPROVED PLAN PRIOR TO IMPLEMENTATION OF THOSE CHANGES. THE REVIEWING AGENCY MAY REQUIRE A WRITTEN SUBMITTAL OF THOSE CHANGES FOR REVIEW AND APPROVAL AT ITS DISCRETION.
- AT LEAST 5 DAYS PRIOR TO STARTING ANY EARTH DISTURBANCE ACTIVITIES, OR EXPANDING INTO AN AREA PREVIOUSLY UNMARKED, UDIG-NY SHALL BE NOTIFIED AT 811 FOR THE LOCATION OF EXISTING UNDERGROUND UTILITIES
- ALL EARTH DISTURBANCE ACTIVITIES SHALL PROCEED IN ACCORDANCE WITH THE SEQUENCE PROVIDED ON THE PLAN DRAWINGS. EACH STEP OF THE SEQUENCE SHALL BE COMPLETED BEFORE PROCEEDING TO THE NEXT STEP, EXCEPT WHERE NOTED.
- IMMEDIATELY UPON DISCOVERING UNFORESEEN CIRCUMSTANCES POSING THE POTENTIAL FOR ACCELERATED EROSION AND/OR SEDIMENT POLLUTION, THE OPERATOR SHALL IMPLEMENT APPROPRIATE BEST MANAGEMENT PRACTICES TO MINIMIZE THE POTENTIAL FOR EROSION AND SEDIMENT POLLUTION.
- ALL CONSTRUCTION MATERIALS AND WASTES SHALL BE REMOVED FROM THE SITE AND RECYCLED OR DISPOSED. NO CONSTRUCTION MATERIALS OR WASTES OR UNUSED CONSTRUCTION MATERIALS SHALL BE BURNED, BURIED, DUMPED, OR DISCHARGED AT THE SITE.
- UNTIL THE SITE IS STABILIZED, ALL EROSION AND SEDIMENT BMPS SHALL BE MAINTAINED PROPERLY. MAINTENANCE SHALL INCLUDE INSPECTIONS OF ALL EROSION AND SEDIMENT BMPS AFTER EACH RUNOFF EVENT AND ON A WEEKLY BASIS. ALL PREVENTATIVE AND REMEDIAL MAINTENANCE WORK, INCLUDING CLEAN OUT, REPAIR, REPLACEMENT, REGRADING, RESEEDING, REMULCHING AND RENETTING MUST BE PERFORMED IMMEDIATELY. IF THE E&S BMPS FAIL TO PERFORM AS EXPECTED, REPLACEMENT BMPS, OR MODIFICATIONS OF THOSE INSTALLED WILL BE REQUIRED.
- IMMEDIATELY AFTER EARTH DISTURBANCE ACTIVITIES CEASE IN ANY AREA OR SUBAREA OF THE PROJECT, THE OPERATOR SHALL STABILIZE ALL DISTURBED AREAS. DURING NON-GERMINATING MONTHS, MULCH OR PROTECTIVE BLANKETING SHALL BE APPLIED AS DESCRIBED IN THE PLAN.
- PERMANENT STABILIZATION IS DEFINED AS A MINIMUM UNIFORM, PERENNIAL 80% VEGETATIVE COVER OR OTHER PERMANENT NON-VEGETATIVE COVER WITH A DENSITY SUFFICIENT TO RESIST ACCELERATED EROSION.
- THE CLUB WILL INSPECT THE EROSION CONTROLS TWICE DAILY DURING ALL ACTIVE TEST WELL DRILILNG ACTIVITIES AND WILL MAKE NECESSARY REPAIRS IMMEDIATELY UPON DISCOVERY.
- THE DRILLER WILL CONTINUOSLY INSPECT THE EFFECTIVENESS OF THE EROSION CONTROLS DURING DRILLING OPERATIONS AND WILL IMMEDIATELY CONTACT THE CLUB IF REPAIRS OR MODIFICATIONS ARE NECESSARY.
- THE OWNER GRANTS THE VILLAGE OF BRIARCLIFF MANOR AND OTHER AGENCIES HAVING JURISDICTION THE RIGHT TO ENTER THE PROPERTY AT REASONABLE TIMES AND IN A REASONABLE MANNER FOR THE PURPOSE OF INSPECTION.
- VILLAGE OF BRIARCLIFF MANOR STAFF SHOULD REPORT TO THE MAINTENANCE FACILITY AND CONTACT THE CLUB SUPERINTENDENT, DAN COUGHLIN, AT 845-764-0434 TO COORDINATE FOR AN ESCORTED INSPECTION.
- AS THE TEST WELL DRILLING WILL ONLY RESULT IN 3 TO 5 DAYS OF DISTURBANCE PER WELL, WILL NOT PERMANENTLY CHANGE GRADING OR RESULT IN ADDITIONAL IMPERVIOUS SURFACE, POST-CONSTRUCTION STORMWATER MANAGEMENT PRACTICES OR BMPS ARE NOT WARRANTED.
- AS THERE ARE NO REQUIRED POST-CONSTRUCTION STORMWATER MANAGEMENT BMPS OR STRUCTURES, ITEMS 19 THROUGH 24 OF VILLAGE CODE CHAPTER 184-6 ARE NOT REQUIRED.

EROSION AND SEDIMENT CONTROL SEQUENCING FOR TEST WELL DRILLING

- MEET WITH WELL DRILLING CONTRACTOR TO REVIEW DRILL RIG ACCESS AND EROSION CONTROL SETUP
- AT LEAST 5 DAYS PRIOR TO STARTING ANY EARTH DISTURBANCE ACTIVITIES, UDIG-NY SHALL BE NOTIFIED AT 811 FOR THE LOCATION OF EXISTING UNDERGROUND UTILITIES.
- CLUB INSTALLS STRAW/HAY BALES AND COMPOST FILTER SOCK DOWNSLOPE OF SELECTED TEST WELL SITE IN ACCORDANCE WITH EROSION AND SEDIMENTATION CONTROL PLAN FIGURES 3 THROUGH 5.
- CLUB INSTALLS FILTER FABRIC ON STORMWATER CATCHBASINS IDENTIFIED IN FIGURES 3 AND 4 IN ACCORDANCE WITH DETAIL PROVIDED ON FIGURE 5 AND INSTALLS COMPOST FILTER TUBE AROUND CATCH BASIN (TEST WELLS TW-2, TW-4, TW-5, AND TW-6 ONLY).
- DRILL RIG AND SUPPORT VEHICLES ARE MOBILIZED TO THE SELECTED TEST WELL SITE USING THE ROUTES DEPICTED ON FIGURE 2 AND MAXIMIZING USE OF PAVED OR GRAVEL ACCESS ROADS AND CART PATHS. DRIVE MATS WILL BE USED IN AREAS WHERE THE VEHICLES NEED TO CROSS SOFT OR SENSITIVE AREAS.
- FOLLOWING SETUP OF THE DRILL RIG AT THE TEST WELL SITE, THE CLUB WILL EXCAVATE THE DRILL CUTTINGS SETTTLING PIT AND STOCKPILE THE EXCAVATED SOILS WITHIN THE EROSION AND SEDIMENTATION CONTROLS FOR LATER USE AS BACKFILL.
- INITIATE DRILLING OF TEST WELL. CLUB WILL INSPECT EROSION AND SEDIMENTATION CONTROLS TWICE DAILY DURING DRILLING OPERATIONS AND IMMEDIATELY MAKE REPAIRS TO ANY DAMAGED EROSION CONTROLS.
- IF THE WELL YIELDS A SIGNIFICANT QUANTITY OF WATER, CLUB WILL SETUP EROSION CONTROLS FOR SECONDARY DISCHARGE LOCATION DEPICTED ON FIGURES 3 AND 4 AND FOLLOWING THE DETAIL ON FIGURE 5 (TEST WELLS TW-1, TW-2, TW-3, AND TW-4 ONLY).
- CLUB AND CONTRACTOR WILL SKIM WATER FROM SURFACE OF DRILL CUTTINGS SETTTLING PIT AND DISCHARGE IT TO EROSION CONTROLS INSTALLED AT THE SECONDARY DISCHARGE PIPE LOCATED FURTHER AWAY FROM THE WETLAND/WATERCOURSE THAN THE DRILLING SITE.
- FOLLOWING COMPLETION OF DRILLING, THE CLUB WILL BACKFILL THE DRILL CUTTINGS SETTTLING PIT WITH THE PREVIOUSLY STOCKPILED SOILS ORIGINALLY EXCAVATED TO CREATE THE PIT.
- ANY EXCESS SOIL OR ROCK CUTTINGS WILL BE TRANSPORTED TO THE MATERIAL STORAGE AREA.
- FOLLOWING COMPLETION OF DRILLING AND SUPPLEMENTAL DEVELOPMENT IF CONDUCTED, THE DISTURBED AREAS SHOULD BE IMMEDIATELY STABILIZED WITH EITHER SEED AND MULCH OR SOD. EROSION CONTROLS SHALL REMAIN IN PLACE UNTIL PERMANENT STABILIZATION IS ACHIEVED; DEFINED AS 80% UNIFORM DENSITY OF PERMANENT VEGETATION OR PERMANENT MULCH/STONE.

CONSTRUCTION SEQUENCE FOR UTILITY TRENCHES

- MARKOUT ROUTING FOR UTILITY TRENCHING.
- AT LEAST 5 DAYS PRIOR TO STARTING ANY EARTH DISTURBANCE ACTIVITIES, UDIG-NY SHALL BE NOTIFIED AT 811 FOR THE LOCATION OF EXISTING UNDERGROUND UTILITIES.
- ALL UTILITY TRENCHES WILL BE INSTALLED BY EITHER THE SOD CUT AND BACKFILL METHOD OR BY VIBRATORY PLOWING, WHICH RESULTS IN NO DISTRUBANCE AT THE END OF EACH DAY; AND THEREFORE; DOES NOT REQUIRE FORMAL EROSION AND SEDIMENTATTION CONTROLS.

SOD CUT AND BACKFILL METHOD

- ACCESS PROPOSED TRENCHING FROM THE UPLAND AREAS USING EXISTING ROADS AND CART PATHS THAT ARE LOCATED IN CLOSE PROXIMITY TO THE PROPOSED TRENCHING.
- MARK OUT APPROXIMATELY 200 TO 300 LINEAR FEET OF PROPOSED TRENCHING, AND LINE AT LEAST ONE SIDE OF TRENCHING WITH PLYWOOD OR RUBBER DRIVE MATS. ONLY EXCAVATE THE LENGTH OF TRENCH THAT CAN BE COMPLETED, BACKFILLED AND STABLIZED IN A SINGLE DAY.
- SOD CUT ESTABLISHED TURFGRASS LOCATED IN FAIRWAYS OR ROUGH AREAS AND PLACE ON THE PLYWOOD/DRIVE MATS FOR LATER REUSE.
- EXCAVATE TRENCH AND PLACE EXAVATED MATERIALS ON PLYWOOD ADJACENT TO THE TRENCH, ENSURING NO MATERIALS LEAVES IMMEDIATE WORK AREA.
- INSTALL WATER PIPE AND/OR ELECTRICAL CONDUIT.
- BACKFILL TRENCH WITH EXCAVATED SOILS.
- REPLACE CUT SOD AND ROLL IN PLACE.
- MAINTAIN 300-LINEAR FEET OF COMPOST FILTER SOCK ON SITE AND INSTALL IF NECESSARY IF TRENCH AREA CANNOT BE STABILIZED PRIOR TO INCOMING STORM OR CANNOT BE COMPLETED BY END OF DAY.

VIBRATORY PLOW UTILITY INSTALLATION

- ACCESS PROPOSED TRENCHING FROM THE UPLAND AREAS USING EXISTING ROADS AND CART PATHS THAT ARE LOCATED IN CLOSE PROXIMITY TO THE PROPOSED TRENCHING.
- USE VIBRATORY PLOW TO CUT MICRO TRENCH AND PULL IN WATER PIPE OR ELECTRICAL CONDUIT SIMULTANEOUSLY.
- FOR ELECTRICAL CONDUIT, ELECTRICIAN SHOULD ENSURE PROPER MATERIALS AND BURIAL DEPTH ARE UTILITIZED TO MEET ELECTRICAL CODE.
- SEAL UP MICRO TRENCH BY DRIVING OVER WITH RUBBER TIRE. IF NECESSARY, ADD MULCH TO THE DISTURBED AREA AND SPREAD GRASS SEED.

Wetland Permit Report

**WETLAND PERMIT REPORT
TRUMP NATIONAL GOLF CLUB
BRIARCLIFF MANOR, NEW YORK**

OCTOBER 31, 2024

KSCJ Consulting ("KSCJ") was engaged by Trump National Golf Club to conduct a wetland and watercourse investigation/delineation of seven (7) areas throughout the golf course, where the drilling of irrigation wells is being contemplated, as well as an area that is being considered for a new maintenance storage building. Wetland Permits will be required from the Village of Briarcliff Manor should any land disturbance occur within one-hundred (100) feet of any regulated wetland or watercourse. In addition, KSCJ was to determine if any of the investigated areas meet the specific definitions of "watercourse", "wetland" and "man-made or created wetlands/watercourses", as outlined in Village Code Chapter 218 – "Wetlands", Section 218-4. Below are the pertinent definitions within Section 218-4:

Watercourse:

Any natural public or private water body or water segment, including but not limited to rivers, streams, ponds, lakes, reservoirs, brooks and waterways, that is contained within, flows through, or borders on the Village of Briarcliff Manor.

Wetlands or Wetland:

A. A regulated area that comprises at least two of the three following elements:

- 1.) Hydric soils which are poorly drained;*
- 2.) Wetland hydrology in areas supported by predominantly high groundwater table, inundation or saturation by natural surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, prevalence of hydrophytic vegetation;*
- 3.) Hydrophytic vegetation, including hydrophytic plants typically adapted for life in saturated or inundated soil conditions.*

B. Wetlands generally include swamps, marshes, bogs, vernal pools, wet meadows, fens and similar areas.

- C. *For the purposes of this regulation, wetlands are delineated in accordance with the methodology, but not the area limitations, set forth in 6 NYCRR Part 664 and in the 1989 Federal Wetlands Delineation Manual, as may be subsequently amended.*
- D. *For the purposes of this chapter, regulated wetlands may include detention, infiltration and retention basins, installed to facilitate drainage or as mitigation for flooding, and other man-made or created wetlands, as defined hereunder, when such manufactured wetlands are characterized by all three elements above, and present functioning and benefits consistent with a natural wetland.*
- E. *The presence and extent of regulated wetlands/watercourses on a site shall be determined based on the evaluation of the existing site conditions through soil sampling, observation of local hydrology and vegetative cover.*

Man-Made Or Created Wetlands/Watercourses:

Water bodies, drainageways, or wet areas which are purposefully created or induced for the purpose of stormwater detention, conveyance and/or discharge, flood control/prevention, recreational and/or ornamental purposes. Such areas/features have one or more of the following characteristics:

- A. *Artificially irrigated areas that would revert to upland should irrigation cease.*
- B. *Artificial lakes, reflecting pools, swimming pools or ponds with a concrete bottom or liner created by excavating and/or diking dry land.*
- C. *Water-filled depressions created incidental to construction activity.*
- D. *Groundwater drained through subsurface drainage systems and erosional features (gullies and rills), and swales and ditches that are not naturally fed by groundwater, but are used for drainage discharge. Such drainage ditches support flow for no longer than a rain event.*

We have outlined, below, a description of the seven (7) proposed well locations and the proposed location for the maintenance storage building, and our professional opinion if the drilling of the well(s) and construction of the maintenance storage building will require Wetland Permits from the Village of Briarcliff Manor. Our opinions are based on the "wetland and watercourse" characteristics of each area, whether the "wetland and watercourse" is man-made or naturally occurring, and if the "wetland" or "watercourse" has been lined with clay, polyvinyl, plastic, etc. All of this data was then considered as it relates to the wetland and watercourse definitions outlined in the Village Code.

TW-1 (Permit Required)

A review of the historic aerial mapping indicates that two (2) existing ponds (west and east) did not exist prior to the year 2000. In addition, NWI and NYSDEC hydric soil/wetland mapping do not show the existence of wetlands or hydric soils in the vicinity. Both ponds are lined with a polyethylene barrier. Therefore, these ponds are considered to be man-made.

Currently, the east pond does not exhibit characteristics of hydrophytic vegetation and, therefore, is not considered to be regulated. However, portions of the western (smaller) pond exhibit hydric soil conditions, evidence of wetland hydrology and hydrophytic vegetation. As a result, the western pond is considered regulated.

TW-2 (Permit Not Required)

A review of the historic aerial mapping indicates that the stream and pond did not exist prior to the year 2000. In addition, NWI and NYSDEC hydric soil/wetland mapping do not show the existence of wetlands or hydric soils in the vicinity of the stream or pond. The stream is lined with a polyethylene barrier and the pond is lined with a clay barrier. Therefore, both the stream and pond are considered to be man-made.

Currently, there is no evidence of hydric soil or hydrophytic vegetation within, or adjacent to, the stream or pond. In addition, the stream and pond water elevations and flows are controlled by a mechanical pumping system. As a result, these water features are not regulated and a Wetland Permit is not required for TW-2.

TW-3 (Permit Required)

TW-3 is proposed between a pond and watercourse in the vicinity of Tee Box #4. Although the pond is clay-lined, the edges of the pond and watercourse possess large stands of hydrophytic vegetation (phragmites and cattail), are supported by hydric soils and exhibit positive indicators of wetland hydrology. Since all three (3) wetland characteristics are present, these water features are regulated and a Wetland Permit will be required for TW-3.

TW-4 (Permit Required)

TW-4 is proposed adjacent to the 5th Tee Box and east of a large pond. Although the pond is clay-lined, the south/southeast corner of the pond possess large stands of hydrophytic vegetation (phragmites and cattail), are supported by hydric soils and exhibit positive indicators of wetland hydrology. Since all three (3) wetland characteristics are present, these water features are regulated and a Wetland Permit will be required for TW-4.

TW-5 (Permit Required)

A review of the historic aerial mapping indicates that the existing stormwater detention pond did not exist prior to the year 2000. In addition, NWI and NYSDEC hydric soil/wetland mapping do not show the

existence of wetlands or hydric soils in the vicinity. The detention pond is lined with a polyethylene barrier, therefore, this detention pond is considered to be man-made.

TW-5 is proposed within 100' of the stormwater detention pond. Although the pond was originally constructed with a polyethylene barrier, all three (3) wetland characteristics are present along the outer edges of the pond (hydric soils, hydrophytic vegetation and wetland hydrology). As a result, this pond is regulated, and a Wetland Permit will be required for TW-5.

TW-6 (Permit Not Required)

No regulated wetlands or watercourses are present within the limiting distance of the proposed TW-6 location.

TW-7 (Permit Not Required)

No regulated wetlands or watercourses are present within the limiting distance of the proposed TW-7 location.

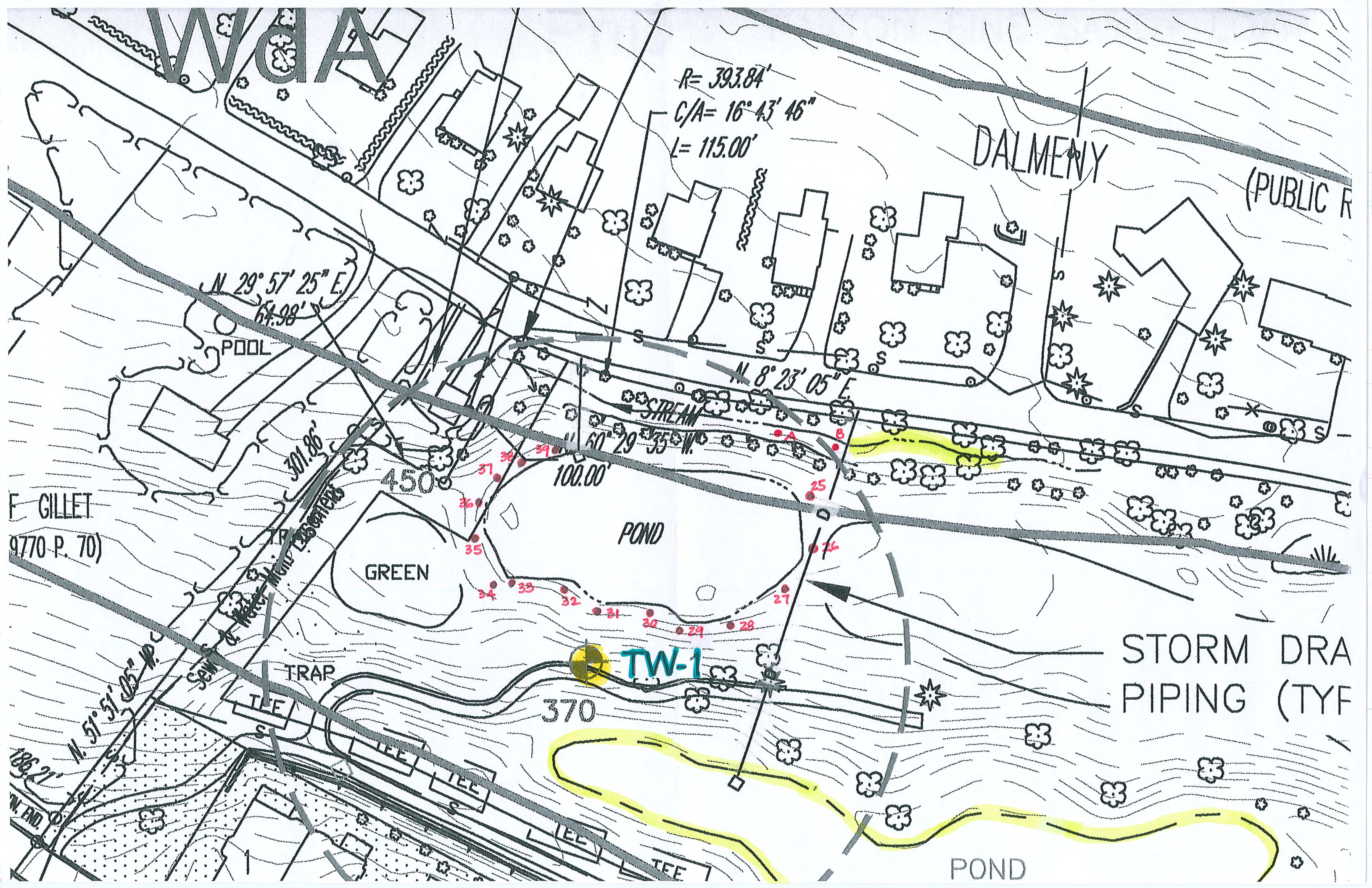
Proposed Maintenance Storage Building (Permit Not Required)

No regulated wetlands or watercourses are present within the limiting distance of the proposed location for the maintenance storage building.

https://kellardsessionsconsulti.sharepoint.com/sites/Kellard/Project Docs P/BRTNW100/KSCJ Reports/WetlandReports/2024-10_BRTNW100_Wetland Permit Report_Rev.docx

APPENDIX A

WETLAND FLAG LOCATIONS AND REPRESENTATIVE SITE PHOTOGRAPHS



TW-1

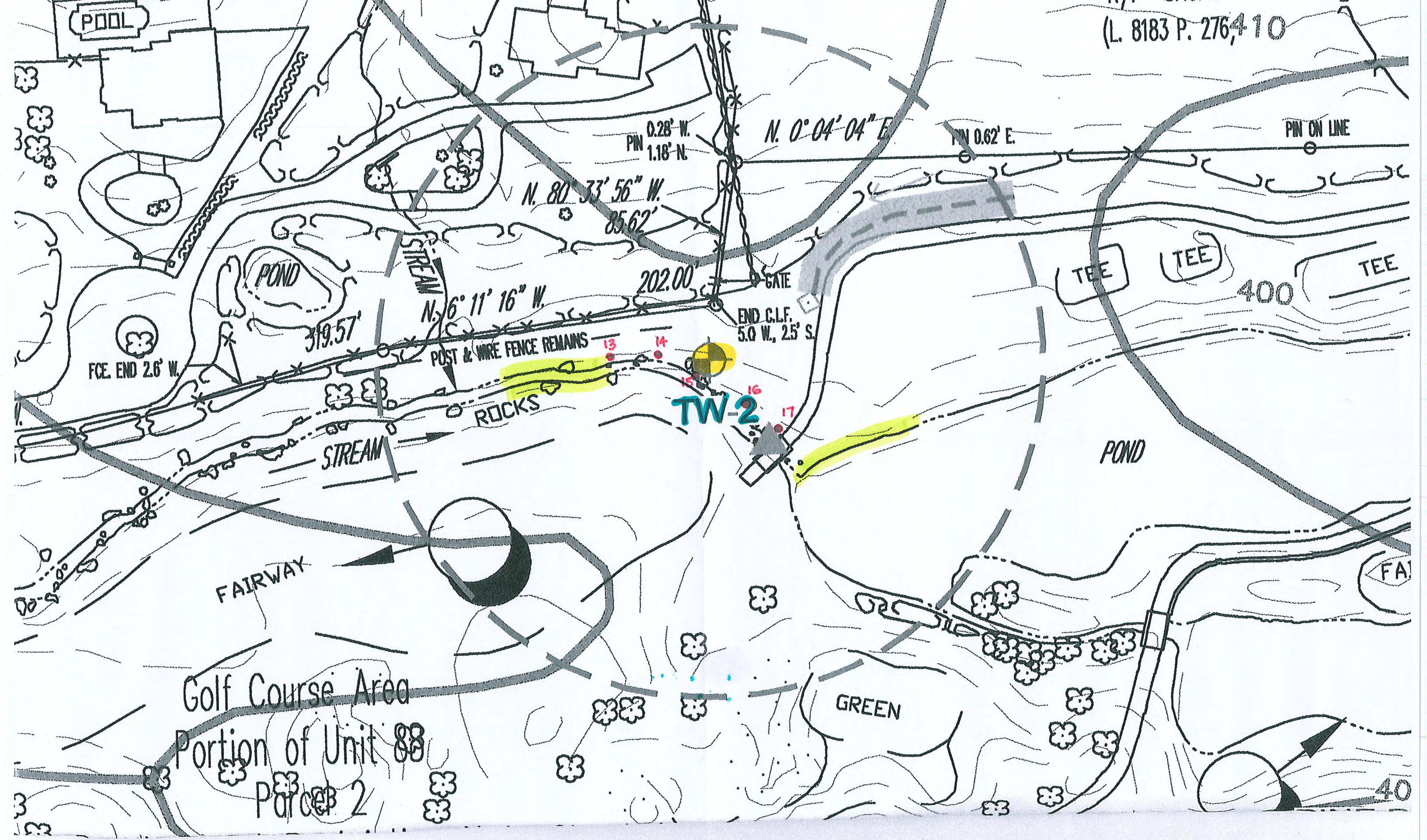


TW-1



TW-1



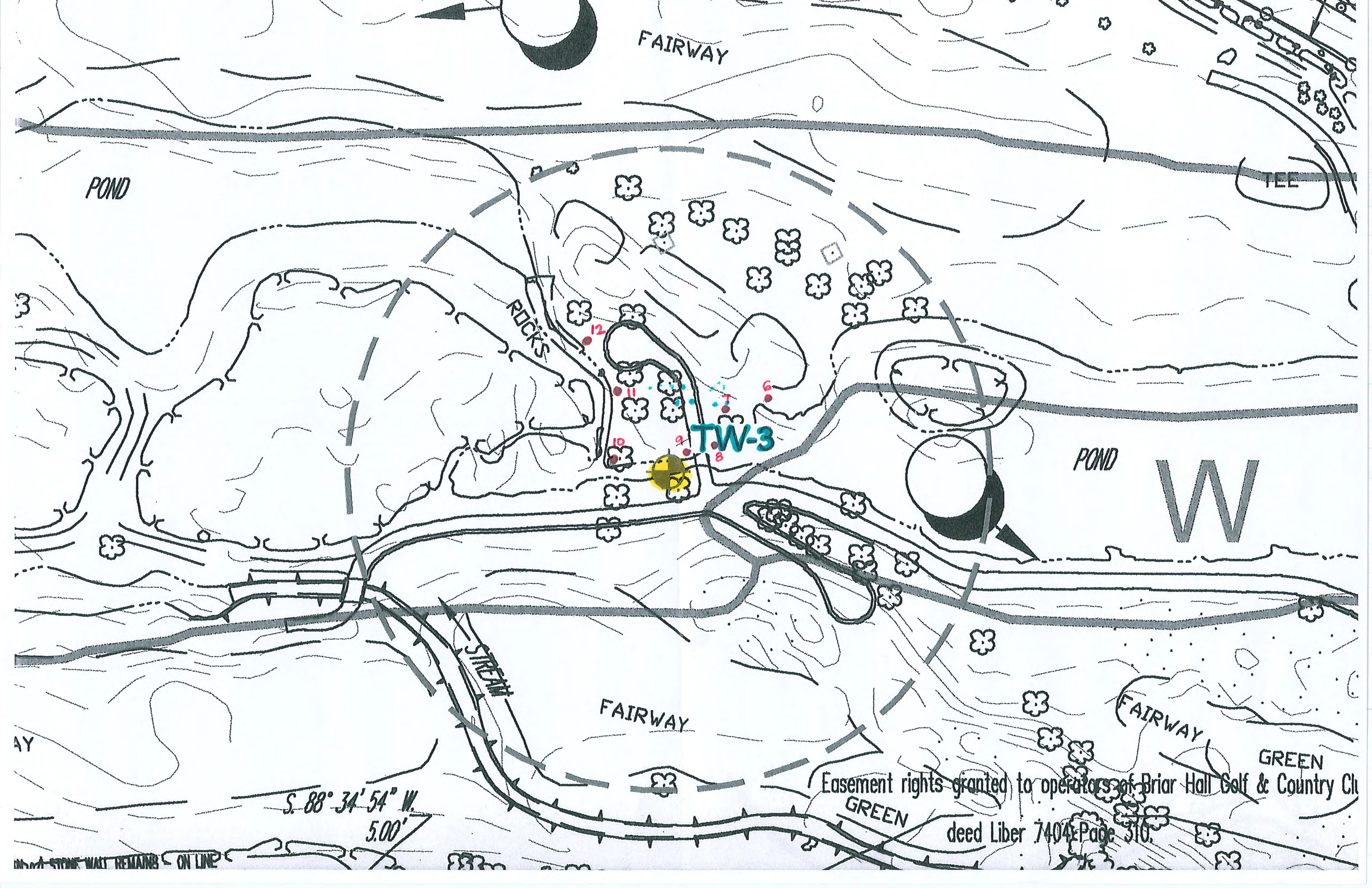


TW2



TW-2





FAIRWAY

POND

TEE

RCKS

TW-3

POND

W

STREAM

FAIRWAY

FAIRWAY

GREEN

S. 88° 34' 54" W.
5.00'

Easement rights granted to operators of Briar Hall Golf & Country Cl

GREEN

deed Liber 7404 Page 310

ON A STONE WALL REMAINS ON LINE

TN-3





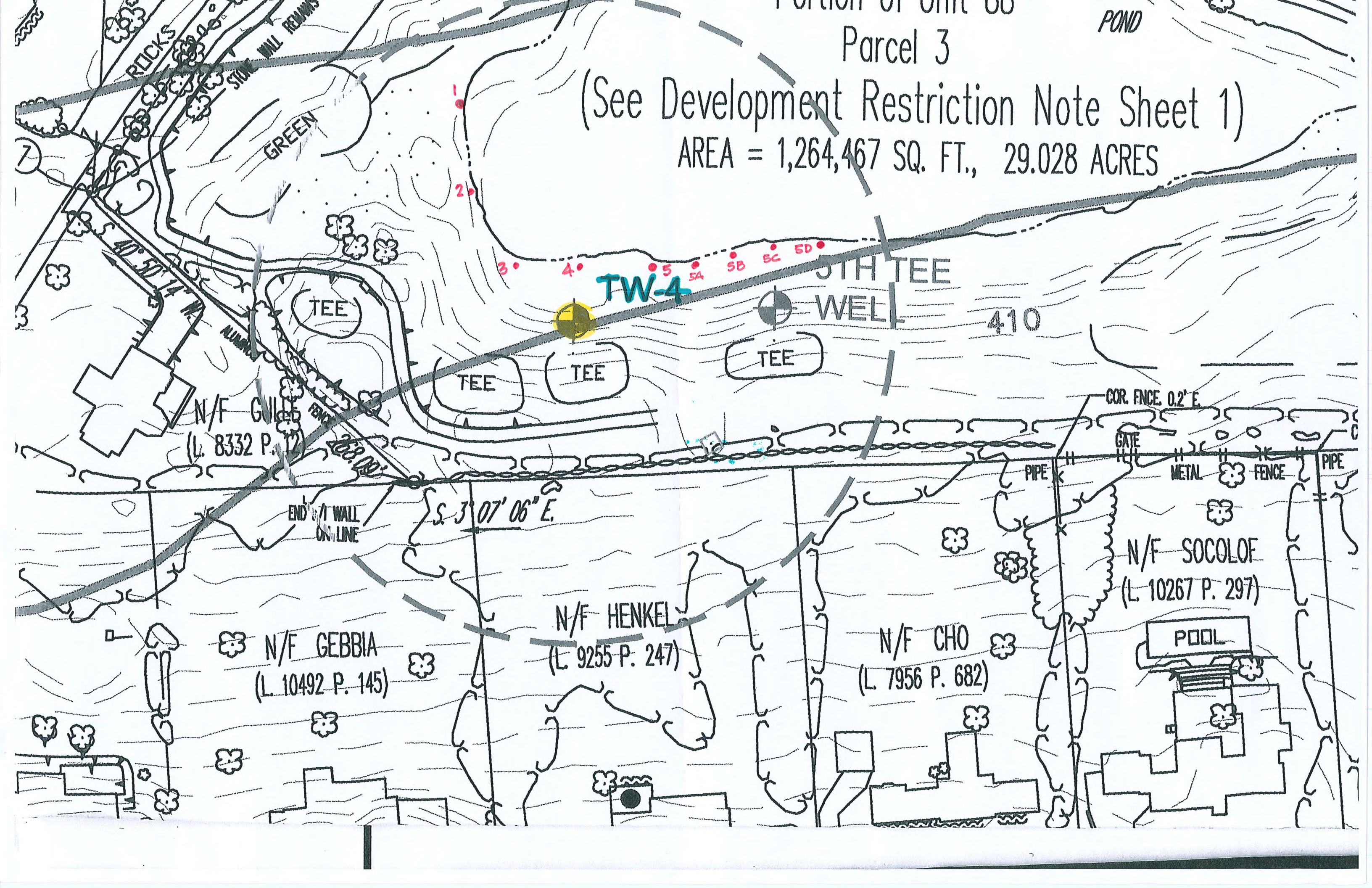
Portion of Unit 00

POND

Parcel 3

(See Development Restriction Note Sheet 1)

AREA = 1,264,467 SQ. FT., 29.028 ACRES



TW-4



TW-4

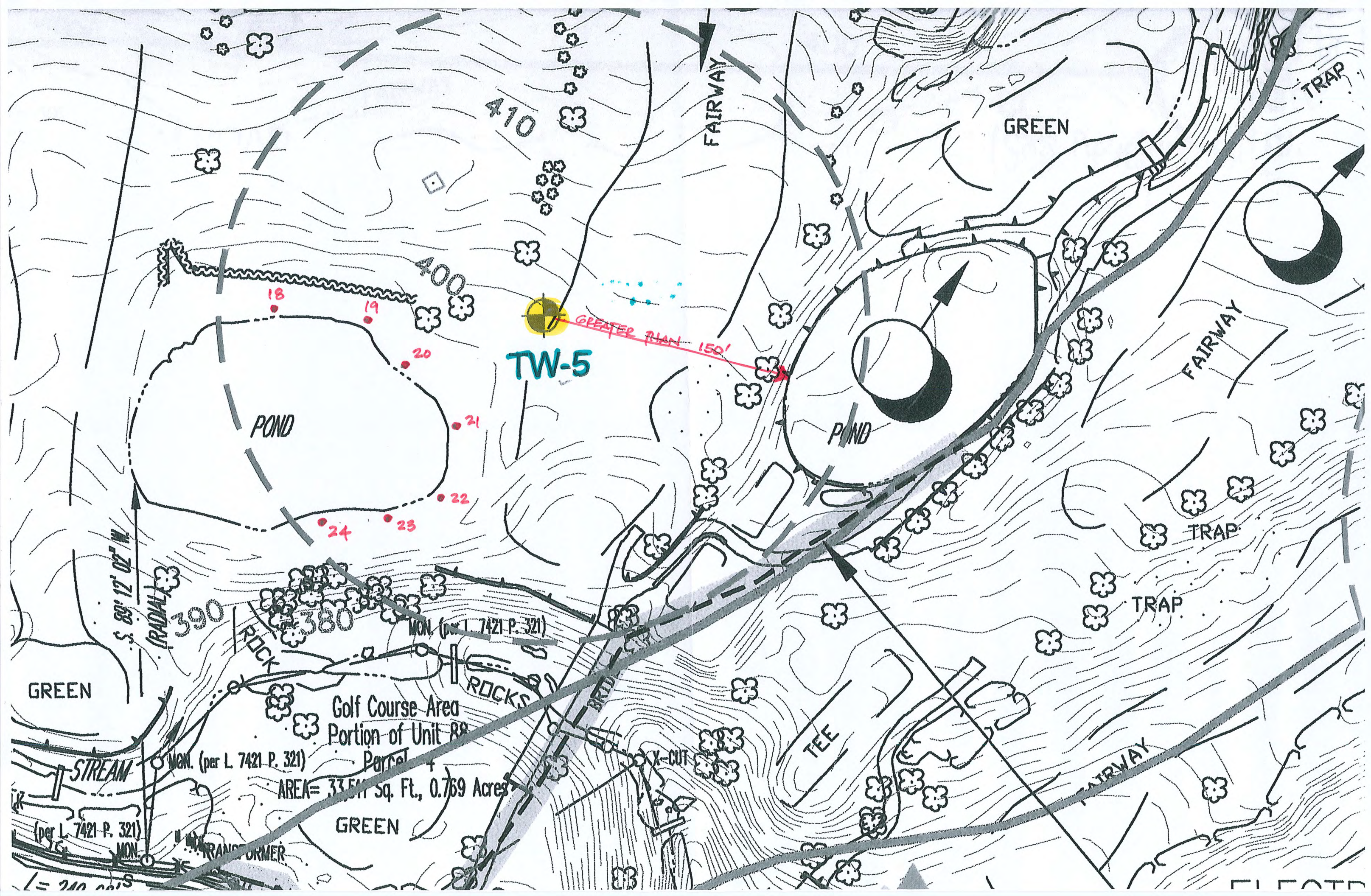


TW-4

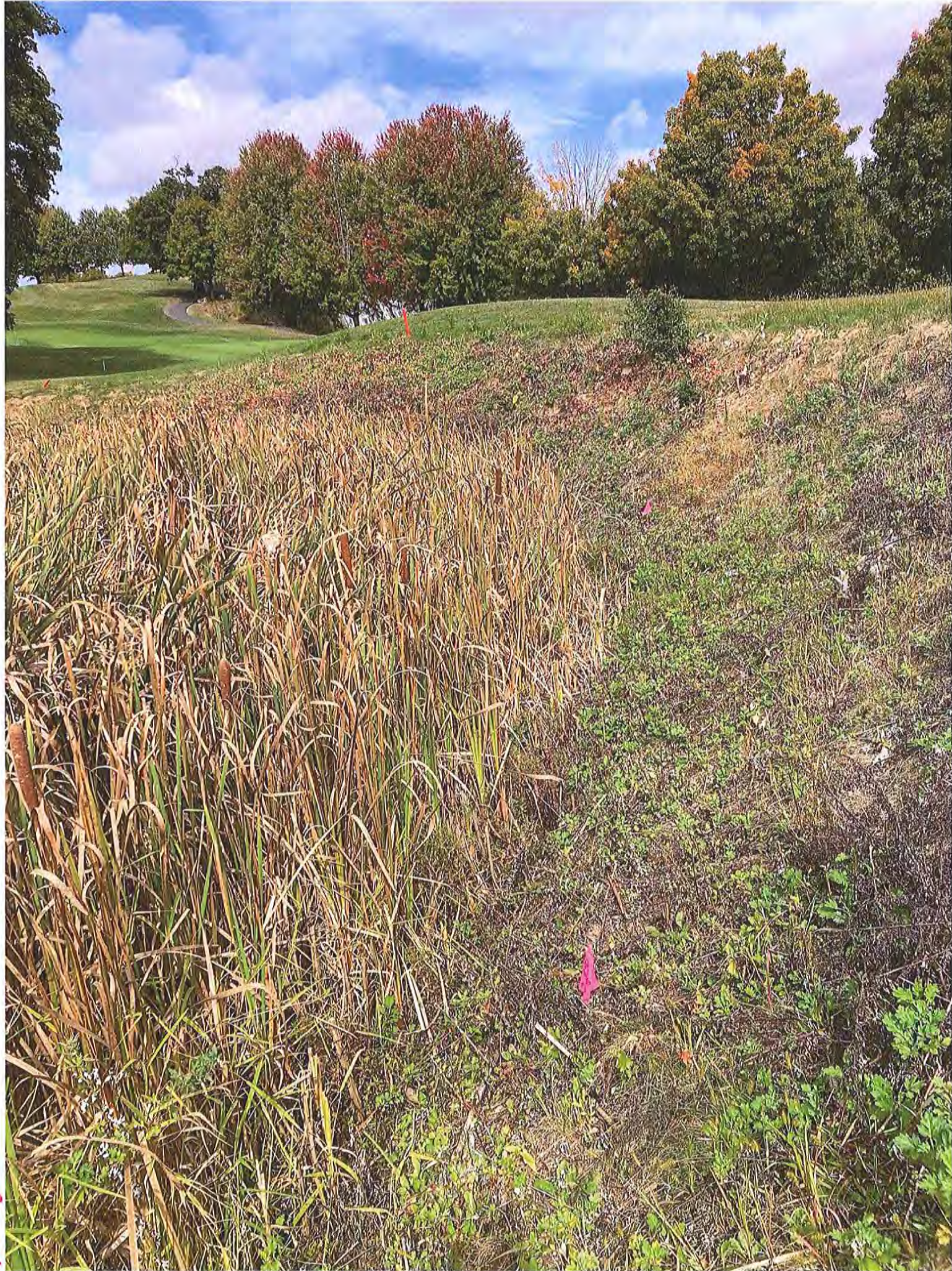


TW-4





TW-5



5-M-1



TW-5

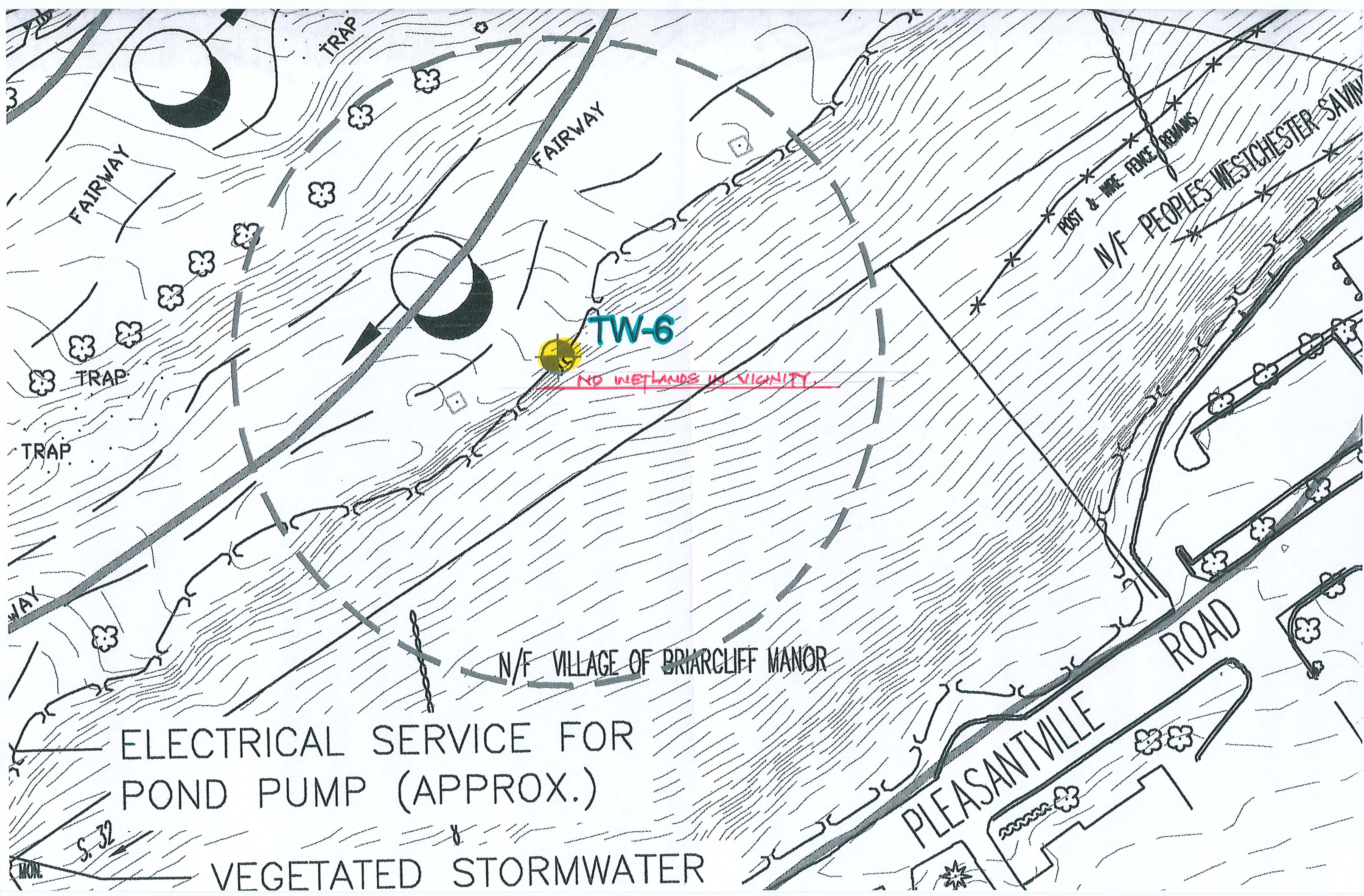


TW-5



TW-5





TW-6

NO WETLANDS IN VICINITY.

N/F VILLAGE OF BRIARCLIFF MANOR

N/F PEOPLES WESTCHESTER SAVIN

PLEASANTVILLE ROAD

ELECTRICAL SERVICE FOR
POND PUMP (APPROX.)

VEGETATED STORMWATER

S. 32

MON.

TW-6



TW-6

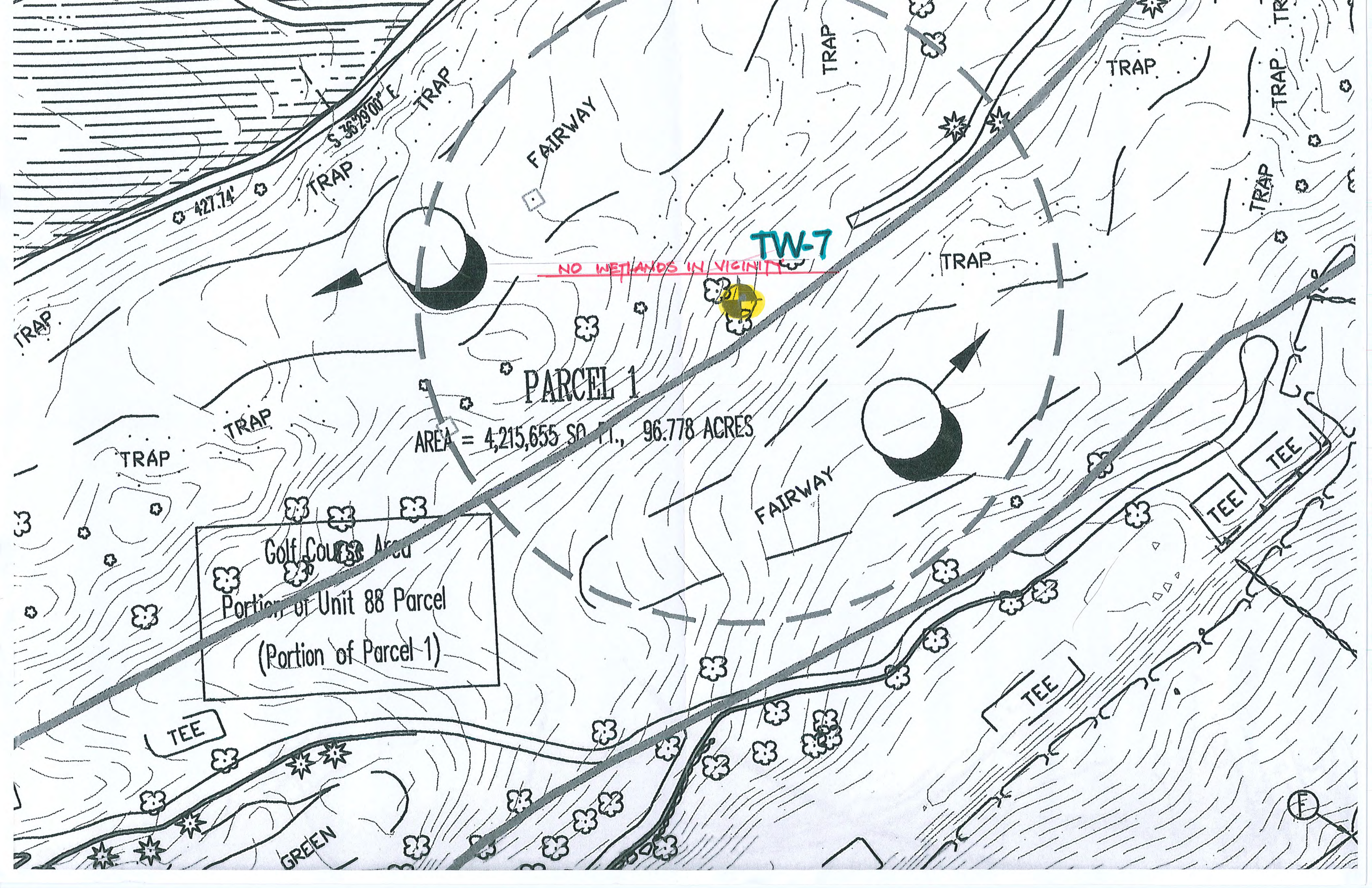


TW-6



TW-6





TW-7

FAIRWAY

PARCEL 1

AREA = 4,215,655 SQ. FT., 96.778 ACRES

Golf Course Area
Portion of Unit 88 Parcel
(Portion of Parcel 1)

TEE

GREEN

FAIRWAY

TEE

TEE

TEE

427.74'

S 36° 20' 00" E

NO WETLANDS IN VICINITY

TRAP

TRAP

TRAP

TRAP

TRAP

TRAP

TRAP

TRAP

TW-7



TW-7



TW-7



Letter from Trump National Golf Club General Manager



Trump National Golf Club

WESTCHESTER, NEW YORK

October 25, 2024

To Whom It May Concern:

I am pleased to share an update on Trump National Golf Club Westchester, where we are proud to report that our club remains a vibrant and thriving part of the community. Over the past year, we have seen a remarkable increase in activity and welcomed numerous new members who have quickly become part of the Trump Westchester family. Our calendar has been filled with successful golf and social events, which our members have enthusiastically attended and enjoyed, highlighting the club's strong role as a recreational hub. The future at our club looks exceptionally promising with a substantial number of weddings and golf outings already secured for 2025 and 2026. This early demand reflects the club's appeal as a premier event venue in Westchester County.

Regarding our upcoming projects, we are confident they will have no municipal impact on the local fire, police, or EMS services. Our security logs indicate that the club required minimal assistance from these services last year, and we anticipate this level of use to continue, ensuring that local first responders remain available for other community needs. As an example, 911 was called six times in 2023, and only once in 2024. Our fire department and police department have been here less than a handful of times in 2024.

Additionally, the projects submitted for your consideration will not contribute any additional students to the Briarcliff Manor School District, allowing the school system to maintain its focus on current enrollment.

Thank you for your continued support and partnership.

Sincerely,

Lily Braswell
General Manager
Trump National Golf Club