

VILLAGE OF CROTON-ON-HUDSON PLANNING BOARD
RESOLUTION OF AMENDED SITE PLAN APPROVAL
HUDSON NATIONAL GOLF CLUB

WHEREAS, on July 25, 1994 the Croton-on Hudson Village Board of Trustees adopted a Resolution of Amended Special Permit Approval for the Hudson National Golf Club as an annual membership club in accordance with Section 230-9 A(6) of the Zoning Law of the Village of Croton-on-Hudson; and

WHEREAS, on July 26, 1994 the Croton-on-Hudson Planning Board (“the Planning Board”) adopted a Resolution of Site Plan Approval for the Hudson National Golf Club (the “Project”) and a Supplemental Findings Statement pursuant to the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on August 4, 1994 the Croton-on-Hudson Water Control Commission adopted a Resolution Granting a Permit Pursuant to the Village’s Wetlands and Watercourses Law ; and

WHEREAS, in January, 1995 the Planning Board approved an amendment to the approved site plan which, among other things, reduced the number of cottages to eight, relocated the driving range and realigned parking areas; and

WHEREAS, the Project occupies approximately 260 acres located on Prickly Pear Hill Road and at the terminus of Arrowcrest Road in the Village of Croton-on-Hudson and is designated on the Village tax maps as Sheet 67.15, Block1, Lot 4 and Sheet 67.16, Block 2, Lot 12 (the “Property”); and

WHEREAS, Hudson National Golf Club, Inc. (the "Applicant") by letter from Sasaki Associates, Inc. to the Planning Board dated April 6, 1996 as revised 4/25/96 and 5/13/96, requested certain amendments to the approved site plan for the project; and

WHEREAS, a Full Environmental Assessment form for the amended site plan was prepared by Sasaki Associates, dated May 30, 1996 was submitted and reviewed; and

WHEREAS, during the course of review of construction which had taken place on the project and the approved and proposed amended site plans, the Planning Board determined that the project, as built, deviated significantly from the approved site plan and that remediation was necessary; and

WHEREAS, significant remediation was undertaken and accomplished by Applicant but is not yet completed; and

WHEREAS, the Planning Board and the Applicant have worked together on further modifications to the site plan to ensure the protection of the Village of Croton-on-Hudson; and

WHEREAS, the Planning Board has permitted certain of the site plan modifications to be constructed prior to adoption of this Resolution in order to best protect the interests of the Village of Croton-on-Hudson; and

WHEREAS, in response to the Applicant's request, the Planning Board permitted the Applicant to allow play on the golf course during the amended site plan approval review process; and

WHEREAS, public hearings on the proposed amended site plan amendments were opened on July 10, 1996 and continued at subsequent Planning Board meetings through March 2, 1999; and

WHEREAS, on March 2, 1999 the Planning Board adopted a Negative Declaration pursuant to SEQRA with respect to the proposed site plan modifications finding that the modifications will not result in any potential adverse environmental impacts not addressed and mitigated to the maximum extent practicable; and

WHEREAS, the Planning Board has reviewed the application for modification to the site plan in accordance with Article XI of the Village Zoning Law; and

WHEREAS, the Applicant has submitted revised plans reflecting all modifications agreed upon and required by the Planning Board which plans comprise the "Amended Site Plans" and are made up of the drawings with revisions as set forth in Schedule A annexed hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby approves amendments to the site plan for Hudson National Golf Club as shown on the Amended Site Plans, subject to the following conditions:

1. The revised Environmental Management Plan ("EMP") shall replace the previously approved Environmental Management Plan and shall be utilized by the Golf Course Superintendent in the management and maintenance of the Property. The revisions, identified by the Planning Board and its Environmental Consultant, to the draft of the EMP, dated July 10, 1998, shall be incorporated into a final published version of the EMP no later than four months from the date of this resolution. This period shall include the time to review the revised pages by the EMP subcommittee prior to final publication. The revised pages shall be provided within eight (8) weeks of the date of

this resolution. The Applicant's Engineer shall provide the Village's Environmental Consultant with the necessary drawing(s) to complete the Limited Activities Plan within two (2) weeks of the date of the resolution. The Village's Environmental Consultant will provide the Limited Activities Plan within three (3) weeks thereafter. The EMP subcommittee shall make its best effort to review the page revisions promptly upon their receipt from the Applicant.

2. Should Applicant desire to modify the EMP in the future, particularly with respect to allowing the use of newly approved substances or technology, Applicant may submit an application to the Village Planning Board regarding the requested amendments in accordance with the "Amending the Environmental Management Plan" section of the EMP including submission of documentation supporting the proposed amendment.
3. The Water Quality Monitoring program set forth in the EMP shall continue for a period of five years from the completion of all drainage improvements as shown on the Amended Site Plans and completion of all work at the maintenance area and may be further extended as set forth in the EMP. The Village Engineer shall certify in writing to the date of completion of such improvements.
4. The Water Quality Monitoring program and all reports required thereby shall be conducted and completed by a water quality consultant chosen by the Village. The Applicant shall be responsible for the full cost of the program. For each year of the program, the consultant shall provide to the Village and Applicant by November 15 an estimate of the cost for the following year and Applicant shall provide to the Village, no later than January 2, or the first business day thereafter, funds to cover the cost of the program for that year which funds shall be placed by the Village in an

interest bearing escrow account. The Village's water quality consultant shall be paid out of the account upon submission of invoices. Applicant shall be provided with copies of all invoices. Any escrow funds, (including accrued interest) unused at the end of any year shall be applied towards the following year's escrow. At the end of the Water Quality Monitoring Program, any unused funds and accrued interest shall be paid to the Applicant. Failure to deposit the full amount with the Village will result in a ceasing of all chemical (pesticides, herbicides, fungicides and fertilizers) applications until such time as the full amount is received.

5. Water quality basins 3, 7, 8, 13, 16, 17, 18 are to be reworked according to specifications of the Village's Water Quality consultant. Physical reworking of these basins shall be performed to the specifications as shown on Sheet 0 of 0 entitled "Water Quality Basin Improvements," prepared by Ralph G. Mastromonaco, PE, PC, dated 1/29/98, last revised 4/27/98, and the separate sheet showing Water Quality Basin #17, prepared by Ralph G. Mastromonaco, PE, PC., dated 7/29/97, last revised 1/27/98, as noted on page 2 of the March 2, 1999 revised letter from Environmental Design Consulting, known as Schedule A, prior to the issuance of a Certificate of Occupancy for the Clubhouse. Failure of any water quality basins to meet the specifications for such basins specified in the EMP, will result in the re-examination of the basins by the Village's Water Quality consultant and, possibly, further reworking of the basins if deemed necessary by the Village Engineer upon recommendation by the Village's Water Quality Consultant.

6. All plantings as shown on the Amended Site Plans shall be completed in accordance with the schedule attached hereto as Schedule B. The schedule will be monitored by the Village's Environmental Consultant for compliance, at the Applicant's expense, on a regular basis. A report on compliance at the end of each planting quarter or, if appropriate, an explanation for non-compliance, will be sent to the Village Engineer and the Applicant.
7. To guarantee the completion of the planting plan attached as Schedule B, the Applicant shall post a bond of \$250,000 in form satisfactory to the Village Attorney for the first year's plantings, no later than April 1, 1999. If any year's plantings have not been completed by December 15th of that year, then the Applicant shall post, no later than the next ensuing March 1st, an additional \$250,000 bond for the next year's planting season, or a bond in the amount of the value of the uncompleted work as certified by the Village's Environmental Consultant. Additionally, the \$50,000 plus interest, currently held by the Village will be retained to ensure that all required replacement plantings as specified in paragraph 9 below have been completed. Certification by the Village's Environmental Consultant that required replacement plantings are complete will result in the return of the \$50,000 plus accrued interest.
8. Monitoring of planting 'success' will begin at such time when a planting area, as designated on the planting plan Sheet L-0 dated November 6, 1997, is completely

planted.

9. If the Village's Environmental Consultant determines that a planting (including substitution plantings) has failed during the monitoring period, it will be replaced with the originally specified species if possible and will follow all planting procedures specified in the EMP.
10. At five year intervals from the date hereof, the Planning Board may review the plantings which have been installed on the ridgeline below the clubhouse to determine if the ridge line is being adequately remediated. After 20 years, remediation shall be consistent with the picture provided by Brad Saunders of Sasaki Associates dated 6/10/97 and attached as Schedule C to this resolution. If the Planning Board is not satisfied at any such interval, it may require additional plantings for ridge line remediation after the Applicant has been given notice and an opportunity to appear before the Planning Board. Such plantings shall be installed in accordance with a plan approved by the Planning Board.
11. All improvements are to be constructed as shown on the Amended Site Plans except for minor field changes which may be approved by the Village Engineer or the Environmental Consultant with notice to the Planning Board. Any change determined by the Village Engineer or Environmental Consultant to not be "minor" shall be submitted to the Planning Board for approval.
12. Upon completion of the site plan modifications, all water quality basins shall drain after a storm event in no less than two days (48 hours) and no more than three days (72 hours) and meet all other specifications identified in item #2 for Inspections of

Water Quality Basins in the EMP. The Golf Course Superintendent shall monitor the time within which the basins drain quarterly for the first year after completion of reconstruction and annually thereafter. Such monitoring shall be conducted after a storm event of at least one inch (1") of rainfall. The Village Engineer shall be notified when the Superintendent intends to make such an inspection and shall be provided with written results thereof. Provision for this monitoring is included in the EMP .

13. Debris shall be removed from the water quality basins as necessary to allow for the proper drainage within the parameters set forth above. If at any time any water quality basin is not meeting the criteria set forth in paragraph 12 above, Applicant shall prepare a proposal for the reworking or replacement of soils in the basin, or other corrective measures as needed, and shall submit such plan to the Village Engineer for his approval. After completion of any reworking, or other corrective measures, of a basin, the monitoring referred to in paragraph 12 above shall be undertaken quarterly for the first year after completion of the work and annually thereafter. These provisions for future maintenance and reworking of basins are included in the EMP .

14. The bottom drain of the irrigation pond shall not be opened except in circumstances set forth in the EMP and then only in accordance with the protocols set forth in the Environmental Management Plan.

15. The location and grade of the road passing to the rear of the club house shall not change.

16. Prior to the installation of any plantings as shown on the Amended Site Plans, a landscape architect retained by the Applicant shall visit the Property to flag out the exact locations for the plant materials which will be approved by the Village's Environmental Consultant. Any plant substitutions shall be preapproved by the Village's Environmental Consultant.

17. As mitigation for damage to the Prickly Pear Hill Archeological Site located in the vicinity of the reconstructed Prickly Pear Hill Dam, the Applicant shall make a contribution of \$10,000 to the Village of Croton-on-Hudson. Such monies shall be distributed by the Village Board to one or more of the following organizations for use in furthering the study and understanding of the prehistory of the Village: the Croton-on-Hudson Historical Society, the Croton Free Library, the Croton-Harmon School District, and the Louis A. Brennan Lower Hudson Chapter of the New York State Archaeological Association. Approved uses of appropriated monies may include preparation and exhibition of museum/library exhibits relating to the prehistory of the Village, development of educational curricula dealing with the prehistory of the Village, and funding the analysis of extant archaeological collections from prehistoric archaeological sites located within the Village.

18. Applicant shall provide water to the adjacent property owned by the Village and leased to the Jane E. Lytle Memorial Arboretum ("Arboretum") in accordance with an Agreement to be entered into between Applicant, the Village Board and if the Village Board so decides, the Arboretum. The Agreement shall require Applicant to provide a minimum flow of 32 gallons per minute into the stream flowing into the Arboretum Property. In the event 32 gallons per minute is not available from the groundwater

wells located on the property in combination with other existing discharges to the stream on the property, the supply shall be augmented from the irrigation pond through the use of the water feed mechanism extending from the float in the irrigation pond as shown on the approved site plans which includes a valve to control this supply. Alternatively, the Village water supply may be used. Location of the water supply mechanism and the protocol for water quality testing prior to discharge into the Arboretum will be specified by the Village's Water Quality Monitoring consultant. The flow into the Arboretum will be measured by way of a flow measurement device which is a v- notched weir constructed in the outlet stream to the Arboretum as shown on the approved site plans. All water supplied to the Arboretum will be at the Applicant's expense. Maintenance and repair of the well pumps for this water supply is the responsibility of the Applicant. In the event of pump failure, repair is to be made within two weeks time. The Village Board shall appoint the individuals who will be responsible for monitoring the measurement and controlling the relevant valves.

19. The hydrant at the top of Prickly Pear Road will be connected to the water line extended from the golf course.
20. Applicant shall promptly repair any damage which may be caused to the Arboretum access road by Applicant or its contractors.
21. The Village Engineer will act as 'clearinghouse' for all reports submitted as required by the EMP or this resolution. A cover letter for all reports shall highlight any unusual conditions or results requiring attention.

22. Cracks existing in the base of the flume from the irrigation pond will be filled with grout or masonry as needed.
23. Prior to the issuance of a building permit for the construction of any cottages, an erosion control plan for the area shall be submitted to and approved by the Village Engineer.
24. Applicant shall provide to the Village Engineer proof of DEC acceptance of all dams under DEC jurisdiction.
25. A color-coded drawing indicating all limited activity areas shall be posted in an area where it can be readily viewed by grounds maintenance employees and all others working on the course. All such persons shall be instructed by the Applicant to review and familiarize themselves with that drawing. Unauthorized activities in these areas will result in the areas being surveyed at the Applicant's expense, and definitively staked around the perimeter.
26. Club members, caddies and those who play in 'outings' will be advised in writing what 'non-disturbed' and 'no-play' areas mean. All such areas will be clearly identified by a combination of signs and stakes as determined by the golf course superintendent and the Village's Environmental Consultant. A copy of this document will be kept in the Village Engineer's Office.
27. Prior to the opening of the golf club for play in April 1999, the Applicant shall exercise all reasonable efforts to eliminate the noise emanating from the air conditioning equipment located on the roof of the club house so that it is no longer audible to neighboring residential properties. If a noise problem from the air-conditioning equipment persists, the Applicant will promptly hire an independent

mechanical electrical engineer to analyze the equipment specified, the actual equipment, and the standard to which it operates. The results of this analysis will be used by the Village Engineer to determine what further action must be taken by the Applicant, if any. The independent engineer will be selected by the Village Engineer subject to the approval of the Applicant. Further, the applicant shall maintain any structure or barriers used in such mitigation so they will continue to be effective.

28. This site plan amendment approval shall also be conditioned upon receipt of a Wetlands Activity Permit approval from the Village's Water Control Commission as necessary. All conditions of such Wetlands Activity Permit shall be deemed to be conditions of this approval as well. Future work including maintenance in areas within the Water Control Commission jurisdiction shall be subject to WCC review and approval as set forth in the original WCC approval for the project.
29. This site plan amendment approval shall be subject to the receipt of an amended Special Permit from the Village, reflecting changes in the prior permit approval, updated easement agreements for water lines and trails as necessary , and execution of an agreement between the Village and the Applicant referred to in Paragraph 18 above.
30. Except as modified hereby, all conditions of the previous approvals granted in connection with the Project as well as all representations and agreements pertaining to the Project made by the Applicant or submitted in writing by the Applicant, unless modified by the Planning Board during the amended site plan modification approval process, are hereby made conditions of this site plan approval. Previous approvals granted in connection with this project, and attached as Schedule D, are the

Prickly Pear Hill Special Permit (11/92), Hudson National Golf Course Special Permit (7/94), Hudson National Golf Course Site Plan Approval (7/94), Hudson National Amended Site Plan Approval (1/95), and the Hudson National Golf Course Wetlands Permit (8/94).

31. All written agreements and easements to be provided pursuant to the original approvals shall be submitted to the Village Board, with any revisions made necessary by this site plan amendment, within thirty (30) days of the date hereof.
32. In the event that the off-site portions of the Village Trail around Hudson National Golf Course are no longer available, Hudson National Golf Club will construct the on-site portion of the trail as provided in the easement.
33. All specified revisions to the amended site plan drawings, Schedule A, shall be completed to the satisfaction of the Environmental Consultant and made prior to the signing of the drawings by the Planning Board Chair, not later than 45 days of the date of this resolution. At that point, the Environmental Consultant will provide a final list of amended site plan drawings which will thereafter constitute Schedule A hereto.
34. The Environmental Consultant called for in the EMP and this resolution shall be paid for by the Applicant. Such services shall be paid for promptly after submission of invoices for the services rendered.
35. As used herein the defined term "Applicant" shall include Hudson National Golf Club, Inc., its successors and assigns and where applicable its contractors and employees.

36. If any of the conditions enumerated in this Resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this Resolution and the remaining conditions shall remain valid and intact.

37. Failure to complete the amended site plan in three (3) years time, excluding the cottages and teaching facility, and planting set forth in Schedule B, will result in a lapse of site plan approval and stoppage of play. The Planning Board may, in its discretion, extend said three (3) year completion period, upon application prior to its expiration, if such extension is warranted by the particular circumstances.

38. If the Village Engineer and/or the Village's Code Enforcement personnel conclude that there has been a pattern of recurring and substantial non-compliance with the terms of this resolution, the EMP or the Amended Special Permit Approval then, after notice to the Applicant and an opportunity to be heard, the Village Engineer may issue a stop play order and a declaration of lapse of site plan approval, a review of which may be taken directly to the Supreme Court.

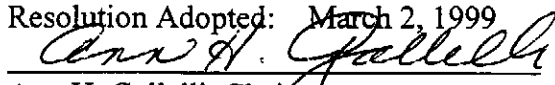
On motion by Fran Allen

Seconded by Ted Brumleve

Vote:

Ann H. Gallelli, Chairman - Aye
Fran Allen - Aye
Joel Klein - Aye
Andrew Zelman - Aye
Ted Brumleve - Aye

Resolution Adopted: March 2, 1999


Ann H. Gallelli, Chairman