

**RESOLUTION**  
**Village of Croton-on-Hudson Board of Trustees**  
**August 6, 2007**

**Stipulation of Settlement**  
**Village of Croton-on-Hudson with**  
**Hudson National Golf Club, Inc.**

**NEGATIVE DECLARATION**

This Resolution is adopted in connection with a Stipulation of Settlement (the "Stipulation") setting forth terms and conditions by which the Village of Croton-on-Hudson (the "Village") has reached agreement with Hudson National Golf Club, Inc. ("HNGC") to modify and amend an Order & Judgment entered in the Supreme Court of the State of New York, County of Westchester on June 16, 2006 bearing Index Nos. 6263/00, 6433/01, 6246/02, 6354/03, 5972/04, 5425/05 and 5672/06 (the "Order & Judgment"), so that in certain circumstances the Village may reduce the sums due to be paid by the Village to HNGC.

WHEREAS, HNGC is a not-for-profit corporation created under the laws of the State of New York, and is the owner in fee of an approximately two hundred and sixty (260) acre parcel of real property (the "Subject Property"), having an address at 40 Arrowcrest Drive, Croton-on-Hudson, New York, which Subject Property is situated within in the Village of Croton-on-Hudson, County of Westchester, and State of New York, and is identified on the Official Assessment Map of the Village of Croton-on-Hudson as Lot 67.15-001-004; and

WHEREAS, the Subject Property is improved with a golf course designed by Tom Fazio (the "Golf Course"), as well as a clubhouse and other amenities; and

WHEREAS, HNGC duly filed and served Notices and Petitions before the THE BOARD OF ASSESSMENT REVIEW OF THE VILLAGE OF CROTON-ON-HUDSON, NEW YORK (the "Board of Assessors") to review real property tax assessments for each and every of nine (9) of the Assessment Years consisting of 1998 through 2006, all concerning the real estate taxes levied against the Subject Property as fixed by the Village; and

WHEREAS, the real property tax assessment of the Subject Property in the Village, as set forth in a certain Order and Judgment, has been reduced, corrected and fixed by the ASSESSOR OF THE VILLAGE OF CROTON-ON-HUDSON (the "Assessor") with regard to the above-

referenced nine (9) years running, which Order and Judgment was signed by this Court on June 16, 2006 and entered on June 19, 2006 (the "Order & Judgment"); and

WHEREAS, the Order & Judgment requires that the sum of Six Hundred and Six Thousand and Fifty-Two Dollars (\$606,052) (the "Village Refund") plus interest to be paid to HNGC and that interest thereon was to be waived so long as the first half of the Village Refund due to HNGC was made on or before May 30, 2007, and payment of the second half of the Village Refund was made on or before December 31, 2007; and

WHEREAS, HNGC and the Village have agreed by a separate document filed with the Court to defer for a limited time the payment of the first half of the Village Refund as referred to in the Order & Judgment to allow time for HNGC and the Village to modify the Order & Judgment as described in the Stipulation; and

WHEREAS, the elected legislative body of the Village is known as the Board of Trustees of the Village of Croton-on-Hudson (the "Board of Trustees"), which, among other things, has jurisdiction to approve or disapprove the terms and conditions of this Stipulation; and

WHEREAS, at all times relevant, the Board of Trustees was and is the agency of the Village that approved the Special Permit for the proposed Golf Course and amenities, adopted on August 4, 1994 and amended on April 19, 1994 (collectively the "Special Permit") and the Board of Trustees currently has jurisdiction pursuant to the Zoning Law to consider any request to review and approve, disapprove, or modify and approve any application regarding such Special Permit; and

WHEREAS, the Subject Property is classified in the R-40A (One Family Residence) District and, pursuant to Section 230-9.A(6) of the Village's Zoning Law, is permitted to be maintained and operated as an annual membership club, pursuant to a Special Permit to be issued by the Board of Trustees; and

WHEREAS, HNGC has presented to the Village a request to modify the requirements of the Special Permit affecting the construction, maintenance and improvements to the Subject Property, including the Golf Course and amenities thereon, all in accordance with the Village's Zoning Law and including but not limited to:

(1) Proposed modifications to the planting and maintenance of the Subject Property, including tree thinning and removal implementation to amend the requirements of the Special Permit regarding revegetation, planting and compliance with a landscape maintenance plan described in Conditions 4, 20, 21, and 22 of the Special Permit so that the recommendations set forth in a December 19, 2006 report issued by David A. Oatis of the United States Golf Association, Northeast Region Green Section, entitled "USGA Green Section Turf Advisory Service Report, Hudson National Golf Club, Inc., Croton-on-Hudson, New York" (the "USGA Report") are implemented at the Golf Course; and

(2) A May 15, 2007 letter to Mr. Richard Herbek, Village Manager, from Bradford O. Saunders, Sasaki Associates, Inc., forwarding the USGA Report and

describing a proposed Vegetation Management Program ("VMP") also detailed on a plan, dated May 12, 2007, entitled "Proposed Vegetation Management Areas, The Hudson National Golf Club, Croton-on-Hudson, NY" consisting of one sheet (the "VMP Plan"); and

(3) A proposal to construct a driving and practice range designed by Fazio Golf Course Designers, Inc., entitled "Proposed Practice Facility, Grading Plan A," dated January 16, 2003 (consisting of one sheet) (the "Driving Range Plan"), a copy of which has been delivered to the Village; and

WHEREAS, by considering whether or not to enter into the Stipulation the Board of Trustees will not be committing itself inextricably to deciding whether or not to grant any of HNGC's requests to modify the Special Permit as noted above and in the Stipulation; and

WHEREAS, the Board of Trustees currently is only considering whether or not to enter into the Stipulation that has been signed by HNGC; and

WHEREAS, the Board of Trustees has reviewed the Stipulation in order to implement the terms more particularly detailed therein, which are intended to modify the Order & Judgment as set forth in the Stipulation and to be "So Ordered" by the Court; and

WHEREAS, the review and consideration by the Board of Trustees of any "action" proposed and/or described in the Stipulation shall be subject to independent review in accordance with SEQRA, which review shall be conducted subsequently; and

WHEREAS, pursuant to SEQRA, the Board of Trustees, hereby designates itself as Lead Agency with regard to reviewing the potential environmental impacts involved in connection with the modification of the Order & Judgment as set forth in the Stipulation; and

WHEREAS, pursuant to SEQRA, the Board of Trustees, as Lead Agency, has received and reviewed a Short Environmental Assessment Form; and

WHEREAS, the Board of Trustees is required to incorporate environmental considerations in its approval actions by: a) identifying environmental issues; b) taking a "hard look" at relevant environmental concerns; and c) making a "reasoned elaboration" as a basis for an environmental determination; and

WHEREAS, the Board of Trustees has received sufficient information upon which this proposal to modify the Order & Judgment, as set forth in the Stipulation, is based, particularly given that this Board of Trustees is not now deciding whether or not any proposed "action" referenced in the Stipulation will or will not be approved, modified and approved, or denied; and

WHEREAS, the Board of Trustees has considered the terms of the Stipulation in light of the facts and circumstances presented.

NOW THEREFORE, be it hereby

RESOLVED, that the Board of Trustees declares itself Lead Agency in accordance

with SEQRA and classifies this Action as Unlisted; and be it further

RESOLVED, that the Board of Trustees determines that no environmental impacts will arise out of, or in connection with the signing of this Stipulation, having examined the potential environmental effects thereof, and hereby adopts a Negative Declaration determining that there is no significant adverse environmental impact arising in connection with, or by reason of, authorizing the signing of the Stipulation, or the actions authorized thereunder including but not limited to the modification of the Order & Judgment; and be it further

RESOLVED, that the Village Clerk is directed to file and otherwise handle this Negative Declaration as required by SEQRA.

A motion to adopt this resolution was made by Trustee \_\_\_\_\_,

And seconded by Trustee \_\_\_\_\_.

VOTE

Mayor Gregory J. Schmidt  
Trustee Thomas P. Brennan  
Trustee Ann Gallelli  
Trustee Charles A. Kane  
Trustee Susan Konig

Resolution Adopted:

\_\_\_\_\_  
Mayor Gregory J. Schmidt

\_\_\_\_\_  
Date

cc: Hudson National Golf Club, Inc.; Mr. Richard F. Herbek; Seymour M Waldman, Esq.; Daniel O'Connor, P.E.; Mr. Peter Woodcock; and William S. Null, Esq.