

**TOWN OF YORKTOWN  
PLANNING BOARD**

**RESOLUTION FOR  
APPROVING FINAL PLAT FOR THE  
YORKTOWN FARMS SUBDIVISION**

**RESOLUTION NUMBER: 08-03**

**DATE: February 11, 2008**

Upon motion by Giordano, seconded by Flynn, and unanimously voted in favor by Klaus, Flynn, Crispi, and Giordano the following resolution was adopted:

WHEREAS in accordance with the Planning Board's Land Development Regulations adopted February 13, 1969 and as last revised July 1, 1999, a formal application for the approval of a final plat entitled "Yorktown Farms Subdivision," Section 17.06 Block 2 Lot 32 ("the Property"), prepared by Donald Donnelly Surveying, P.C., dated December 31, 2007, was submitted to the on behalf of VS Construction Corp. ("the Applicant"), and the Applicant has represented to this board that they are the lawful owners of the land within said subdivision; and

WHEREAS an application fee of \$20,250.00 covering 37 lots on 43.17 acres in the R1-40 zone has been received by this board; and

WHEREAS pursuant to SEQRA:

1. The action has been identified as Type I action.
2. The Planning Board was declared lead agency on April 12, 2002.
3. A Positive Declaration was adopted on June 10, 2002 on the basis of a Full EAF dated March 25, 2002.
4. A Notice of Completion of the Draft EIS was adopted by the Planning Board on September 12, 2005.
5. A Notice of Completion of the Final EIS has been adopted by the Planning Board on September 24, 2007 on the basis of a Final EIS dated September 20, 2007.
6. A Findings Statement has been adopted by the Planning Board on October 29, 2007 on the basis of a complete Final EIS dated September 20, 2007.

WHEREAS the Town Board rezoned the Property to be included in the R1-40 Zoning District by Resolution dated February 27, 2007;

WHEREAS said Town Board Resolution limited the maximum number of single-family lots permitted within the Yorktown Farms Subdivision to be no greater than 22 lots;

WHEREAS said Town Board Resolution states the Applicant shall construct all of the sewer improvements including the sewer pump station to service the Yorktown Farms Subdivision and the 67 Neighboring Properties (“Neighboring Properties”) as more particularly described in the Proposed Sewer District Plan proposed for Yorktown Farms, prepared by Ralph G. Mastromonaco, P.E., P.C., dated June 16, 2006;

WHEREAS said Town Board Resolution states, before the first certificate of occupancy is issued for any lot within the Yorktown Farms Subdivision:

- (i) All off-site sewer improvements must be constructed and completed (unless the completion of all construction cannot occur through no fault of the Applicant and despite its best efforts);
- (ii) The Applicant shall pay a stipend of \$3,000 to the owners of each of the Neighboring Properties to defray the cost of sewer hookup costs for each of the respective houses;
- (iii) For property owners who are required to give an easement to permit installation of sewer mains necessary to complete the sewer improvements, the Applicant shall bear all the cost of sewer lateral construction and hookup for each of the respective houses; and
- (iv) Prior to the issuance of any building permits, the Applicant shall post security in the form of a letter of credit in the amount sufficient to cover the cost of all off-site sewer improvements and related obligations as set forth herein;

RESOLVED the applicant will submit a copy of the notice of mailing notifying the Neighboring Properties of how to obtain the stipend and the applicant will submit a copy of each check and a receipt for each Neighboring Property owner to the Planning Department;

WHEREAS the applicant must secure all permitting and approval required from town, county, state, or federal agencies and departments in order to construct the sewers;

WHEREAS the applicant must obtain access to the site and secure all permitting and approval required from town, county, state, or federal agencies and departments for said access as shown on the subdivision plat listed herein;

WHEREAS said Town Board Resolution states, access to Route 6 shall be for emergency access only, and such emergency access shall be located near the easterly portion of the Property in the approximate location of the access shown in the DEIS for the proposed action;

WHEREAS said Town Board Resolution states, there shall be no “paper road” or right-of-way for a future street or road connecting the Yorktown Farms subdivision with lands to the south as has been shown on the drawing entitled, “Figure No. 1, Proposed Plan prepared for Yorktown Farms, Town of Yorktown, Westchester Co., N.Y.” dated August 1, 2006;

WHEREAS said Town Board Resolution states, upon completion of construction of the sewer improvements, the Applicant shall completely repave (not just patch) Gay Ridge Road;

WHEREAS said Town Board Resolution states, there shall be no soccer field or other similar on-site recreational facility constructed within the Yorktown Farms Subdivision. The Applicant shall pay the requisite fee in lieu of recreation lands as stated herein to enable the Town to construct an appropriate recreational amenity elsewhere in the Town;

BE IT RESOLVED that all conditions adopted by the Town Board in their Resolution dated February 27, 2007 are hereby adopted by this Board as part of this resolution;

WHEREAS the Planning Board has reviewed the recreation needs created by the subject subdivision as well as the present and anticipated future needs of the surrounding area as analyzed and planned for in the Town's Recreation Plan adopted in 1978; and

WHEREAS while additional recreation land is needed to meet the recreational needs created by the subject subdivision, as well as the surrounding neighborhood, the Town Board Resolution dated February 27, 2007 states that no recreational facility shall be constructed within the Yorktown Farms Subdivision; and

BE IT RESOLVED that \$10,000 per 21 new lots (\$210,000.00) in lieu of recreation lands shall be provided by the applicant to satisfy the recreational needs created by the subject subdivision and to help meet the present and anticipated needs of the surrounding neighborhood; and

WHEREAS a curtain drain is to be installed as shown on the improvement plans listed herein, on Lots 12 & 13 in order to impede runoff or increased groundwater from flowing to neighboring properties; and

WHEREAS the applicant has submitted to this board as part of this application the following maps and documents:

Subdivision Plans

1. A plat, entitled “Yorktown Farms Subdivision,” prepared by Donald Donnelly Surveying, P.C., dated December 31, 2007;
2. A map, Sheet 1 of 11, entitled “On-Site Grading Plan,” prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;

3. A map, Sheet 2 of 11, entitled "Off-Site Grading Plan," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
4. A map, Sheet 3 of 11, entitled "On-Site Utility Plan," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
5. A map, Sheet 4 of 11, entitled "Off-Site Utility Plan," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
6. A drawing, Sheet 5 of 11, entitled "Erosion Control Plan," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
7. A drawing, Sheet 6 of 11, entitled "Tree Removal Plan," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
8. A drawing, Sheet 7 of 11, entitled "Road and Sewer Profiles," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
9. A drawing, Sheet 8 of 11, entitled "Sewer Profiles," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
10. A drawing, Sheet 9 of 11, entitled "Drain Profiles," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
11. A drawing, Sheet 10 of 11, entitled "Details," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
12. A drawing, Sheet 11 of 11, entitled "Erosion Control/Tree Protection Details," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 21, 2007;
13. A report, entitled "Office Market Demand in Yorktown, New York," prepared by Angela Witkowski of Housing and Neighborhood Development Services, dated August 5, 2003;
14. A report, entitled "Wetland Functional Assessment - Existing Conditions," prepared by Tim Miller Associates, Inc., dated August 2004 and last revised January 2005;
15. A map, Sheet 1 of 1, entitled "Wetland Mitigation Plan," prepared by Tim Miller Associates, Inc., dated September 17, 2007;
16. A Supplemental to the Draft EIS, prepared by Tim Miller Associates, Inc., dated April 25, 2007;

17. A Complete Draft EIS, prepared by Tim Miller Associates, Inc., dated December 8, 2004;
18. A document, prepared by Tim Miller Associates, Inc., entitled, "Addendum to Biological Survey Report," dated October 11, 2007, to be added to Appendix F of the FEIS;

WHEREAS the Planning Board has referred this proposal to the following agencies and has received input from same:

<b>Boards and Agencies</b>	<b>Report Date</b>
ABACA	2/25/00, 3/15/00, 6/28/01, 3/14/02, 6/10/04, 7/14/04, 10/10/07
Conservation Board	3/6/00, 4/8/02, 9/4/04, 6/24/04, 7/6/04, 9/7/04, 1/7/05, 7/6/05, 3/21/07, 5/2/07, 7/9/07, 9/10/07, 9/24/07, 12/07/07
Environmental Planner	10/30/01, 5/4/04, 6/13/05, 9/7/07
Fire Marshal	Sent 6/3/04, Sent 8/9/04, Sent 7/1/05
Lake Mohegan Fire District	9/23/04
Parks & Recreation Commission	3/6/00
Planning Department	6/10/04, 6/13/05, 6/8/07, 10/25/07, 11/29/07
Public Safety Committee	3/7/00
Town Engineer	2/8/00, 3/10/00, 9/10/07
Water Department	5/13/02, 12/05/07
NYC DEP	6/14/05
NYS DEC	6/7/07
NYS DOT	9/23/02, 6/27/05, 11/22/06
NYS OPRHP	5/5/05
Westchester County Planning Board	8/10/07, 10/5/07
Westchester County Dept of Health	5/5/05

WHEREAS the proper endorsement of the County Health Office has not been obtained; and

WHEREAS the requirements of this Board's Land Development Regulations have been met except as noted below; and

WHEREAS a Public Hearing Scoping Session was held for preparation of the Draft EIS at the Town Hall in Yorktown Heights, New York on July 15, 2002; and

WHEREAS a Public Hearing was held on the Supplement to the Draft EIS dated April 25, 2007, in accordance with 6 NYCRR Part §617.9 the New York State Environmental Quality Review Act (SEQRA), at the Town Hall in Yorktown Heights, New York on July 11, 2007; and

WHEREAS a Public Hearing was held on the Draft EIS last revised December 8, 2004 in accordance with 6 NYCRR Part § 617.9 the New York State Environmental Quality Review Act (SEQRA), at the Town Hall in Yorktown Heights, New York on May 9, 2005; and

WHEREAS a Public Hearing was held on the Final EIS, last revised September 20, 2007 in accordance with 6 NYCRR Part § 617.9 the New York State Environmental Quality Review Act (SEQRA), and on the said subdivision application in accordance with § 195-22E of the Yorktown Town Code at the Town Hall in Yorktown Heights, New York on October 15, 2007; and

WHEREAS a Public Hearing for Preliminary Approval was held in accordance with § 195-23C of the Yorktown Town Code on the said major subdivision application at the Town Hall in Yorktown Heights, New York on October 15, 2007 and continuing on October 29, 2007; and

WHEREAS Preliminary Subdivision Approval was granted by Planning Board Resolution #07-25 dated October 29, 2007; and

WHEREAS a Public Hearing for Final Approval was held in accordance with § 195-24F of the Yorktown Town Code on the said major subdivision application and plat at the Town Hall in Yorktown Heights, New York on January 14, 2008; and

BE IT THEREFORE NOW RESOLVED that the application of VS Construction Corp. for the final approval of a subdivision plat entitled "Yorktown Farms Subdivision," prepared by Donald Donnelly Surveying, P.C. and improvement plans entitled "Preliminary Site Plan & Utility Plan," Sheets 1 - 7, prepared by Ralph G. Mastro Monaco, P.E., P.C., dated January 22, 2006, and last revised September 19, 2007, be approved subject to the following modifications and conditions and that the Chairman and Secretary of this board be and hereby are authorized to endorse this board's approval on said plat upon compliance by the applicant with such modification and additional requirements as noted. If such modifications are not made and such conditions are not fulfilled within 180 days from the date of this resolution the plat shall be deemed disapproved.

Modify said plat to show the following:

1. A note stipulating the limitations of the conservation easement area on Lot 16 and that there can be no further subdivision of this lot.

Modify Improvement Plans to show the following:

1. A note stipulating the limitations of the conservation easement area on Lot 16 and that there can be no further subdivision of this lot.

2. Revise the Tree Removal Plan to show a more specific Limit of Disturbance line for the right-of-way, grading, utility easements, and basins. Show a general Limit of Disturbance line for the proposed residences.
3. Show two street trees per residence.
4. A note stating the existing stonewalls shall remain intact or relocated and rebuilt on the site.
5. A note stating upon completion of construction of the sewer improvements, the Applicant shall completely restore and repair Gay Ridge Road. A final top coat should be applied before the performance bond is released for this subdivision.
6. A note stating the drain located on Lots 12 & 13 is a curtain drain and add a detail for the drain to the plans.

BE IT THEREFORE RESOLVED the applicant must loop the water main from the end of the proposed subdivision cul-de-sac to the water main serving Stonewall Court should it be determined by the Town that it is possible to do so; and

BE IT THEREFORE RESOLVED that said plat shall not be endorsed by the Planning Board until the construction detail improvement plans are modified as noted herein and are completed by the applicant to the satisfaction of the Superintendent of Highway and Town Engineer within one (1) year from the date of this resolution or alternatively:

The applicant post 100% security in the form of a letter of credit or other security acceptable by the Town Board for estimated cost of improvements and for the estimated cost of improvements with the term of one (1) year approved by the Town Board as to manner of execution, form and sufficiency to guarantee and assure full compliance by the applicant with all the terms, conditions, requirements and provisions as set forth in this resolution.

BE IT THEREFORE RESOLVED that: Said letter of credit should contain the provisions that when the principals have fully and properly completed all of the work and improvements as required by this resolution and the work has been accepted by the Town Board for maintenance and repair, after recommendation of the Highway Superintendent and the Town Engineer, and upon the request of the applicant the same be canceled in the manner provided for by law. Said letter of credit shall not be canceled or reduced to less than 5% of the estimated cost of improvements and that the letter of credit so reduced and the deposit of cash surety remain in full force and effect to assure the satisfactory condition of said work and improvements until released by the town at the request of the applicant. Such release shall be not be earlier than one (1) year from the date of acceptance of the work and improvements. The taking over of the roads in the subdivision as town highways shall in no way impede the effectiveness of the letter

of credit.

BE IT FURTHER RESOLVED that said plat map shall not be endorsed by the Planning Board until:

- A) The deeds, offer of dedication, and certificate of title when required, insured by an approved titled company of any and all land reserved in fee to the town for drainage or flood control have been tendered to the town.
- B) Similar deed or conveyance giving rights of easement and use for all drainage and public facilities shown on said plat, have been tendered to the town to be held in escrow until formal acceptance by resolution of the Town Board.
- C) The deeds offer of dedication and certificate of title insured by an approved title company for the fee title to all streets has been tendered to the town to be held in escrow until formal acceptance of the roads by resolution of the Town Board.
- D) The following additional requirements or conditions are met:

- 1. The applicant must obtain a main access to the site from Gay Ridge Road and emergency access to Route 6.
- 2. Approval of the Yorktown Farms Sewer District.
- 3. Approval of an on-site drainage easement and utility easement by the Planning Board, Town Engineer, and Town Attorney.
- 4. Approval of a complete Stormwater Pollution Prevention Plan, an Erosion Control Plan, off-site sewer plans and Road Details by the Town Engineer.
- 5. Submission of Conservation Easement language acceptable to the Planning Board, Planning Department, and Town Attorney.
- 6. Submission of a statement signed by the Town's Tax Collector that all taxes due on this parcel have been paid.
- 7. Submission of fees to the Planning Department as per town requirements in the form of separate checks made payable to the Town of Yorktown:

Recreation Fee	\$210,000.00
General Development	\$15,120.00



8. Submission of fees and security to the Engineering Department per the Town Engineer's requirements:

Erosion Control Bond  
Performance Bond (100% letter of credit noted on page 7)  
Inspection Fee

Fees to be determined after Planning Board approval and complete final set of drawings are submitted to the Town Engineer.

9. Provide monuments at all points of curvature and points of tangency as directed by the Town Engineer at right-of-way/property line, for all lots.
10. Applicant must submit final plats and as-builts in AutoCAD R-14 readable format and DWF file format, latest release, to both the Engineering and Planning Departments.
11. Prior to the issuance of a building permit, submission of all legal documents to effectuate the offers of cession, road dedications, easement, and other agreements set forth on the map or its notes, in form satisfactory to the Town Attorney.

BE IT THEREFORE RESOLVED the applicant must submit separate site plans at a minimum scale of 1 inch = 20 feet for review by the Planning Board prior to issuance of a building permit on the following subdivision lots: 4, 5, 6, 7, 10, 11, 12, 13, 14, 16, 18, 19, 20, 21, and 22.

BE IT FURTHER RESOLVED that upon submission of a building permit for each lot of this subdivision, the owner shall submit a site plan or plot plan, to ABACA, at a minimum scale of 1 inch = 20 feet showing the following:

- a. The location of the proposed house.
- b. The proposed finished floor elevation of the first floor, garage, and basement.
- c. The proposed grade at the garage entrance.
- d. The percentage slope of the proposed driveway.
- e. All existing and proposed topographic contour lines. All contour lines must extend a minimum of 10'-0" beyond the property line.
- f. The line of all delineated wetland, wetland buffers, easements, etc.
- g. A line indicating the limit of the area which will be disturbed by construction.
- h. Any other pertinent information as shown on the subdivision and improvement plan.

BE IT FURTHER RESOLVED that upon application for a building permit for lots in this subdivision, the building inspector shall review the proposed building elevations to determine the requisite grading. Should the building inspector determine that the requisite grading exceeds

by plus or minus two (2) feet the elevations the Planning Board approved on the final construction plans, the applicant shall apply to the Planning Board for approval of the proposed building plan. The Planning Board shall review such application to determine whether the proposed excavation is limited to the greatest extent practicable and does not create adverse environmental or aesthetic impacts. The board shall approve or deny the proposed additional grading by resolution.

BE IT FURTHER RESOLVED that no tree cutting on individual lots for the purpose of constructing the residence, shall be permitted unless and until each lot has been reviewed by the ABACA and the Planning Board.

BE IT FURTHER RESOLVED that no building permit for individual lots which require driveways in excess of ten (10) percent shall be issued by the Building Department unless approval by the Town Board.

RESOLVED IT FURTHER the Applicant will retain an independent third-party Environmental Systems Planner to supervise and be present during the construction of the erosion control measures, and which Environmental Systems Planner will provide bi-weekly inspection reports regarding the status of erosion control measures to the approval authority via the Environmental Inspector throughout construction; and

BE IT FURTHER RESOLVED that no certificates of occupancy be issued for any lot unless and until the Environmental Officer has reported that all required erosion control measures are in place and functioning properly on entire site.

BE IT FURTHER RESOLVED that no certificate of occupancy will be issued unless the lot bounds are staked out and possession survey of premises is filed with the Building Inspector containing legend that stakes have been set as shown thereon.

BE IT FURTHER RESOLVED a pre-construction meeting must be held at the site prior to the commencement of any work. The applicant or a representative must contact the Environmental Code Officer at (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (orange construction fencing) are to be installed prior to this inspection.

BE IT FURTHER RESOLVED that the application for Wetland and Excavation Permit **#WP/E010-08** be approved subject to the requirements and conditions contained therein; and

BE IT FURTHER RESOLVED that upon consideration by the board the following requirements of these regulations be waived:

Sidewalks

BE IT FURTHER RESOLVED that upon due consideration by the board no other requirements of these regulations be modified; and

BE IT FURTHER RESOLVED that the approved plat shall be recorded and filed in the County Clerk's office within 60 days from the signature on the plat, otherwise said approval shall become null and void.