

**TOWN OF YORKTOWN
PLANNING BOARD**

**RESOLUTION FOR
APPROVING PRELIMINARY LAYOUT OF
YORKTOWN FARMS SUBDIVISION**

RESOLUTION NUMBER: 07-25

DATE: October 29, 2007

Upon motion by Robert Giordano, seconded by Robin Steiniger, and unanimously voted in favor by Klaus, Steiniger, 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 preliminary layout entitled "Preliminary Site Plan & Utility Plan," Section 17.06 Block 2 Lot 32 ("the Property"), prepared by Ralph G. Mastromonaco, P.E., P.C., dated January 22, 2006, and last revised September 19, 2007, was submitted to the Planning Board on the September 28, 2007 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 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 Neighborhood 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;

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;

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

1. A map, Sheet 1 of 7, entitled "Preliminary Site Plan & Utility Plan," prepared by Ralph G. Mastromonaco, P.E., P.C., dated January 22, 2006, and last revised September 19, 2007;
2. A map, Sheet 2 of 7, entitled "Existing Conditions," prepared by Ralph G. Mastromonaco, P.E., P.C., dated November 5, 2005;
3. A map, Sheet 3 of 7, entitled "Preliminary Erosion Control Plan," prepared by Ralph G. Mastromonaco, P.E., P.C., dated April 14, 2004, and last revised July 27, 2007;
4. A map, Sheet 4 of 7, entitled "Wetland Crossing Along Road 'A'," prepared by Ralph G. Mastromonaco, P.E., P.C., dated July 25, 2007;
5. A drawing, Sheet 5 of 7, entitled "Road Profiles," prepared by Ralph G. Mastromonaco, P.E., P.C., dated July 25, 2007;
6. A drawing, Sheet 6 of 7, entitled "Details," prepared by Ralph G. Mastromonaco, P.E., P.C., dated January 19, 2004;
7. A drawing, Sheet 7 of 7, entitled "Erosion Details," prepared by Ralph G. Mastromonaco, P.E., P.C., dated January 19, 2004;
8. A report, entitled "Office Market Demand in Yorktown, New York," prepared by Angela Witkowski of Housing and Neighborhood Development Services, dated August 5, 2003;
9. A report, entitled "Wetland Functional Assessment - Existing Conditions," prepared by Tim Miller Associates, Inc., dated August 2004 and last revised January 2005;

10. A map, Sheet 1 of 1, entitled “Wetland Mitigation Plan,” prepared by Tim Miller Associates, Inc., dated September 17, 2007;
11. A Supplemental to the Draft EIS, prepared by Tim Miller Associates, Inc., dated April 25, 2007;
12. A Complete Draft EIS, prepared by Tim Miller Associates, Inc., dated December 8, 2004;
13. A Complete Final EIS, prepared by Tim Miller Associates, Inc., dated September 20, 2007, along with a page 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:

Boards and Agencies	Report Date
ABACA	2/25/00, 3/15/00, 6/28/01, 3/14/02, 6/10/04, 7/14/04
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
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
Public Safety Committee	3/7/00
Town Engineer	2/8/00, 3/10/00, 9/10/07
Water Department	5/13/02
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 and plat in accordance with §195-22E of the Yorktown Town Code at the Town Hall in Yorktown Heights, New York on October 15, 2007; and

RESOLVED 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 THEREFORE NOW RESOLVED that the application of VS Construction Corp. for the preliminary approval of a subdivision layout 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.

Additional requirements:

1. Prior to deeming the Application for Final Approval complete, submission of fees for SEQRA review of the DEIS and FEIS. The fee is to be calculated, but shall not exceed 2.0% of the total project value per 6 NYCRR Part 617.13.
2. Prior to deeming the Application for Final Approval complete, submission of fees as per town requirements in the form of separate checks made payable to the Town of Yorktown:

Final Application	\$3,060.00
ABACA	\$2,300.00
Water Consultant Fee	\$5,600.00

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 wetland permit is to be required for lots containing a buffer area, once the configuration of driveways are determined.

BE IT FURTHER RESOLVED that this approval shall not authorize grading of land or any construction work on the site except as is necessary for the completion of studies required for the design and analysis of the map in final form.