

**TOWN OF YORKTOWN
PLANNING BOARD**

**RESOLUTION AMENDING
RESOLUTION #11-01 DATED JANUARY 24, 2011
APPROVING THE SUBDIVISION PLAT TITLED
ARTHUR BARTOSCH**

RESOLUTION NUMBER:

DATE:

Upon motion by _____, seconded by _____, and unanimously voted in favor by Fon, Flynn, Savoca, Rivera, and Kincart, 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 subdivision plat titled "Subdivision of Property prepared for Arthur Bartosch," Section 59.10 Block 1 Lot 47, Section 59.10 Block 2 Lots 3 through 10, and Section 59.10 Block 2 Lots 16 through 27 ("the Property"), prepared by Donnelly Land Surveying, P.C., dated December 21, 2010, with no revisions, was submitted to the Planning Board on the December 30, 2010 on behalf of Arthur Bartosch (hereinafter referred to as "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 \$4,500 covering 2 lots on 4.35 acres in the R1-80 zone has been received by this board; and

WHEREAS pursuant to SEQRA:

1. The action has been identified as an Unlisted action.
2. The Planning Board has been declared lead agency on January 24, 2011.
3. A negative declaration has been adopted on January 24, 2011 on the basis of a Full EAF dated January 4, 2011.

WHEREAS variances were granted for each proposed lot by the Zoning Board of Appeals allowing 149 feet of frontage on a public road where 200 feet is required in the R1-80 zone by Decision #44/08 on August 14, 2008; and

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, recreation lands of suitable character or adequate size cannot be properly located within the subject subdivision or is otherwise not practical; and

BE IT RESOLVED that \$10,000 per 1 new lot (\$10,000) 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 plat, titled "Subdivision of Property prepared for Arthur Bartosch," prepared by Donnelly Land Surveying, P.C., dated December 21, 2010, with no revisions;
2. A map, Sheet 1 of 7, titled "Proposed Subdivision Plan prepared for Arthur Bartosch - Site Plan," prepared by Site Design Consultants, dated December 29, 2010, with no revisions;
3. A map, Sheet 2 of 7, titled "Proposed Subdivision Plan prepared for Arthur Bartosch - Existing Conditions Plan," prepared by Site Design Consultants, dated December 29, 2010, with no revisions;
4. A map, Sheet 3 of 7, titled "Proposed Subdivision Plan prepared for Arthur Bartosch - Improvement Plan," prepared by Site Design Consultants, dated December 29, 2010, with no revisions;
5. A map, Sheet 4 of 7, titled "Proposed Subdivision Plan prepared for Arthur Bartosch - Erosion & Sediment Control Plan," prepared by Site Design Consultants, dated December 29, 2010, with no revisions;
6. A map, Sheet 5 of 7, titled "Proposed Subdivision Plan prepared for Arthur Bartosch - Stormwater Management Details," prepared by Site Design Consultants, dated December 29, 2010, with no revisions;
7. A drawing, Sheet 6 of 7, titled "Proposed Subdivision Plan prepared for Arthur Bartosch - Improvement Details," prepared by Site Design Consultants, dated December 29, 2010, with no revisions;
8. A drawing, Sheet 7 of 7, titled "Proposed Subdivision Plan prepared for Arthur Bartosch - Erosion & Sedimentary Control Notes & Details," prepared by Site Design Consultants, dated December 29, 2010, with no revisions;
9. A map, titled Map of Manhattan Park Croton Lake," prepared by W. Moir, Civil Engineer and Surveyor, dated October 17, 1907;

10. A report, titled “Stormwater Pollution Prevention Plan,” prepared by Site Design Consultants, dated December 2010, with no revisions;

WHEREAS the Planning Board requested the applicant show all trees of significance on the Property as determined by the Director of Planning, on the proposed subdivision plan; and

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

Boards and Agencies	Report Date
Conservation Board	06/09/08, 06/12/08, 07/09/08, 08/11/08, 10/23/09, 11/20/09, 12/09/09, 01/10/11, 01/21/11
Fire Marshal	07/23/08
Planning Department	01/04/08, 06/19/08
Town Engineer	06/09/08, 08/11/08, 10/26/09, 11/20/09, 01/10/11, 01/24/11

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 Informational Hearing was held in accordance with §195-22A(5) of the Yorktown Town Code on the said subdivision application and plat at the Town Hall in Yorktown Heights, New York on August 18, 2008; and

WHEREAS a Public Hearing was held in accordance with §195-22E of the Yorktown Town Code on the said subdivision application and plat at the Town Hall in Yorktown Heights, New York on commencing and closing on December 14, 2009; and

RESOLVED that for any site disturbance of five thousand (5,000) square feet or more the Applicant must comply with New York State DEC Stormwater Regulations, latest amendment and the Town of Yorktown Stormwater Ordinance Chapter 248 of the Yorktown Town Code; and

RESOLVED the Applicant will retain a certified professional to serve as an 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 and the Environmental Inspector throughout construction; and

BE IT THEREFORE NOW RESOLVED that the application of Arthur Bartosch for the approval of a subdivision map titled "Subdivision of Property prepared for Arthur Bartosch," prepared by Donnelly Land Surveying, P.C., dated December 21, 2010, with no revisions, 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:

None

Modify Improvement Plans to show the following:

None

BE IT THEREFORE RESOLVED a building permit shall not be issued until the improvements shown on the construction detail improvement plans, as modified, are completed by the applicant to the satisfaction of the Superintendent of Highway, Town Engineer and Town Board within one (1) year from the date of this resolution or alternatively:

The applicant shall post 5% of the estimated costs of improvements in the form of a letter of credit or other security acceptable by the Town Board and additionally a letter credit for 95% of the estimated costs of improvements with the term of one 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; and

RESOLVED that Letters of Credit shall have an automatic renewal for additional terms of one (1) year. Both the issuing agent for the Letter of Credit and the applicant must notify the Town of Yorktown if Letter of Credit will not be renewed for any reason, and

BE IT FURTHER RESOLVED that the Letter of Credit shall contain language requiring its issuing agent to notify the Town, in writing, at least thirty (30) days prior to the letter's expiration date if the drawer of the letter will not renew it. (Letter to be mailed to the Town of Yorktown Engineering Department, 363 Underhill Avenue, Yorktown Heights, NY 10598.)

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 cancelled 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 a the request of the applicant. Such release shall 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 either or both letter(s) of credit.

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

A) The submission of an offer of cession to the Town of Yorktown Planning Department by the property owner, in recordable form satisfactory to the Town Attorney, for the road widening strip consisting of 7,500 square feet (0.1722 acres) on Vine Road, together with a policy or certificate of a title company qualified to do business in New York State showing the title to the deed to be recorded in the County Clerk’s office at the expense of the Applicant;

B) The following additional requirements or conditions are met:

1. Submission of a statement signed by the Town's Tax Collector that all taxes due on this parcel have been paid.
2. Submission of fees to the Planning Department as per town requirements in the form of separate checks made payable to the Town of Yorktown:

ABACA	\$300.00
Recreation Fee	\$10,000.00
Legal Fees	\$1,533.70
General Development	\$720.00

3. 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.
4. Applicant must submit final plans including as-built with all improvements in AutoCAD DWG readable format.
5. Approval of a Stormwater Pollution Prevention Plan by the Town Engineer.

BE IT FURTHER RESOLVED prior to the issuance of a building permit the following conditions must be met:

1. The Applicant must submit all fees and security to the Engineering Department as required by the Town Engineer including an Erosion Control Bond, Performance Bond, and Inspection Fee.
2. The Applicant must return to the Planning Board for approval of the Stormwater Pollution Prevention Plan Permit **#FSWPPP-001-11**.
3. The Planning Board must approve a site plan for each lot.

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" = 20' 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 shall be permitted unless and until each lot has been reviewed by the ABACA.

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.

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 that upon consideration by the board the following requirements of these regulations be waived:

1. Sidewalks
2. Street trees

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.