

Meeting Date: June 13, 1990

**PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK**

**Resolution
Granting Preliminary Subdivision Approval
GRANITE POINTE
(TM Sheet 23, Block 36, Lots 2A & 2C)**

WHEREAS, an application for preliminary subdivision approval was submitted by Granite Pointe, Inc., Anthony Russo, president, of Port Chester NY on July 27, 1987; and

WHEREAS, the subject property is identified on the Town Tax Map as Sheet 23, Block 36, Lots 2A and 2C and was originally identified as consisting of 29.85 acres and in the sole ownership of Granite Pointe, Inc.; and

WHEREAS, the application was amended prior to November 1987 so as to delete one acre of land that had been previously conveyed to an adjacent property owner, reducing the site area to 28.9 acres as per the current submitted plans; and

WHEREAS, the site is located on the east side of Tomahawk Street (NYS Route 118/US Route 202) generally opposite the intersections of Granite Springs Road and Old Tomahawk Street with Tomahawk Street; and

WHEREAS, the east and south sides abut lands of the City of New York encompassing the Amawalk Reservoir; and

WHEREAS, the northern half of the site is classified Neighborhood Shopping NS and the southern half R-40 Residence by the Town of Somers Zoning Ordinance; and

WHEREAS, on November 18, 1987, the Planning Board reviewed a conventional subdivision plan of the site as well as a proposed clustered subdivision plan and heard reports from the Town Consulting Engineer and Town Consulting Planner which reported:

- 1) the conventional plan (titled "Alternate Sketch Plan" dated November 18, 1987) presented 26 single-family lots that comply with all requirements of the Town Zoning Ordinance,
- 2) the cluster approach provided advantages to the Town consistent with the intent of Section 281 and
- 3) the cluster plan would comply with regulations of the Westchester County Health Department and the City of New York; and

WHEREAS, based on these reports and the Board's review, the Planning Board acted to request authority from the Town Board to approve the

proposed subdivision under Section 281 of Town Law for the purposes of buffering houses from Route 118 and of minimizing the view of new houses from Route 118 and from points around the Amawalk Reservoir; and

WHEREAS, on December 10, 1987, the Town Board acted to grant Section 281 authority to the Planning Board subject to, "written request from the developer to rezone the property back to the appropriate residential zone"; and

WHEREAS, on February 26, 1988, the Planning Board determined that the proposed action was an Unlisted action under the Somers and New York State environmental quality review laws (SEQR) and acted to declare intent to be Lead Agency; and

WHEREAS, on May 11, 1988, the Planning Board acted to make a Positive Declaration under SEQR and to require the preparation of an environmental impact statement (EIS); and

WHEREAS, on June 8, 1988, the Planning Board acted to adopt a scoping document for the required EIS; and

WHEREAS, on November 15, 1988, the Planning Board acted to accept the draft EIS submitted by the applicant and, after being revised to address the recommendations of the Town Consulting Planner to the satisfaction of the Planning Board chairman; and

WHEREAS, the conditions of circulation were not met until submission by the applicant of a revised draft EIS dated February 28, 1989; and

WHEREAS, the draft EIS and the notice of completion of a draft EIS were circulated to involved agencies and public hearings on the draft EIS and on the preliminary subdivision plat were scheduled for March 22, 1989; and

WHEREAS, the public hearings were opened on March 22, 1989 at the Somers Town House and were continued to April 19, at which times all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, on April 19, 1989, the public hearing on the draft EIS was closed and the public hearing on the preliminary subdivision application was continued until such time that a final EIS was available; and

WHEREAS, on August 24, 1989, the applicant submitted a proposed final EIS which was found to be incomplete; and

WHEREAS, on November 22, 1989, the applicant submitted a revised final EIS which was discussed by the Planning Board on December 13, 1989 and determined to be inadequate; and

WHEREAS, by letter dated December 20, 1989, Richard Bowers, General Counsel, City of New York Department of Environmental Protection (DEP),

advised the Planning Board of the DEP's approval authority over the proposed septic systems in the Granite Pointe subdivision and of DEP's intent to exercise this authority with respect to the Granite Pointe subdivision; and

WHEREAS, on January 23, 1990, the applicant submitted another revised proposed final EIS and a set of revised preliminary subdivision plans; and

WHEREAS, by copy of a letter dated March 16, 1990, written by Kim Sparber, Deputy General Counsel, DEP, to Jerome Schulman, esq., of Ossining, the Planning Board was made aware that DEP had determined that the proposed final EIS did not contain adequate information for DEP to make a determination if an exception would be warranted in the case of the Granite Pointe subdivision to the City of New York's regulation that there be no disposal of human excreta at a location less than 250 feet from any reservoir; and

WHEREAS, the preliminary subdivision plan shows portions of ten of the 26 proposed septic field areas to be located within 250 feet of the edge of the Amawalk Reservoir; and

WHEREAS, after review and discussion of revised text and after discussion of the involvement of the City of New York in the review process, on March 28, 1990 the Planning Board acted to accept and to circulate the final EIS dated revised March 19, 1990; and

WHEREAS, the final EIS was circulated to all involved and interested agencies on April 6, 1990; and

WHEREAS, the application for preliminary subdivision approval now consists of the following materials prepared by Bibbo Associates, Croton Falls:

- o "Cluster Plan", dated revised January 10, 1990,
- o "Road Profiles", dated revised January 10, 1990,
- o "Road Profiles and Details", dated revised January 10, 1990,
- o "Final Environmental Impact Statement", dated revised March 19, 1990,
- o "Draft Environmental Impact Statement", dated revised February 28, 1989 and
- o "EAF Part 3", dated April 13, 1988; and

WHEREAS, the submitted plans propose the subdivision of the 28.9-acre tract into 26 single-family residence lots ranging in size from 0.4 acre to 0.8 acre and nine acres of common open space; continuance of one existing single-family residence on one of the new lots; improvements including 4,300 linear feet of new roads with two new intersections on Route 118, a central water supply system and a common recreation area; and provision of individual on-lot sewage disposal systems; and

WHEREAS, the applicant has stated that the central water system shall be owned by a water corporation that will be turned over to the homeowners' association for Granite Pointe; and

WHEREAS, the consideration of wetlands protection was made and it was determined that there are no wetlands located on the site; and

WHEREAS, by letters dated February 2, 1988 and April 20, 1989, the Westchester County Planning Board advised the Somers Planning Board that, "this is a matter for local determination subject to" consideration of optimal protection and provision of public water supply systems; and

WHEREAS, in its review of the conventional subdivision plan, the Planning Board determined that a park or recreation facility would not be suitably located on the subject tract and no land was set aside for recreation purpose in the determination of lot count that established the basis for the cluster subdivision plan and therefore a fee shall be paid in lieu of such land reservation; and

WHEREAS, the Planning Board has determined that the inclusion by the applicant of a recreation area for residents of the proposed development as shown the submitted plans within the Section 281 open space area does not represent the adequate provision of recreation facilities as set forth in the Subdivision Regulations; and

WHEREAS, these recreation facilities have not been required by the Planning Board; and

WHEREAS, on December 3, 1987, the applicant advised the Town Board that it was his intention to pay the required fee in lieu of land reservation for recreation purposes; and

WHEREAS, on May 23, 1990, the applicant presented the Planning Board with the text titled "Conditions for granting a 2,500 sq. ft. property between road line and the Vincent Scaramellino property", dated May 22, 1990; and

WHEREAS, on May 23, 1990, the Planning Board acted to close the public hearing on the preliminary subdivision application; and

WHEREAS, on June 12, 1990, the Planning Board received a letter from George Mekenian, P.E., Chief, Sources Division of the City of New York Department of Environmental Protection Bureau of Water Supply that advised the Board that the City has issued a "Findings to Disapprove" the Granite Pointe Subdivision and attached copy of same; and

WHEREAS, the City's Findings was based on a determination by the City that the "site plan continues to demonstrate a violation of New York City's watershed regulations"; and

WHEREAS, based on review and consideration of all of the above, the Planning Board acted on June 13, 1990 to adopt a Findings Statement under SEQR and determined that approval of this action, as now modified and revised and subject to the conditions set forth below, will not have a significant adverse impact on the environment; now, therefore, be it

RESOLVED that the application of Granite Pointe, Inc., for approval of a preliminary subdivision plat titled "Granite Pointe" as shown and described on the materials identified above is hereby granted subject to the following requirements being met at the time of application for final subdivision approval:

1. That the applicant produce and submit to the Planning Board a plat in final form endorsed by the Westchester County Department of Health and prepared in accordance with the "Subdivision of Land Regulations of the Town of Somers".
2. That evidence of the approval of the NYS Department of Transportation for the two proposed intersections on Route 118 be submitted.
3. That the applicant submit evidence of obtaining all required approvals of other agencies including those necessary to establish a central water system.
4. That the final subdivision application include through notations or other means guarantees that all commitments and procedures described in the EAF, draft EIS and final EIS (that do not conflict with provisions of this resolution) will be implemented.
5. That a construction schedule be prepared and submitted.
6. That the application for final subdivision approval include proposed dedication papers, deeds for road widening purposes and all required easement agreements, all prepared to the satisfaction of the Town Attorney and Town Engineer.
7. That street names be proposed by the applicant and submitted to the Town Board for approval after consultation with the Town Historian; the street names shall be shown on the final plat.
8. That the final subdivision plat be prepared in accordance with the requirements of Section 150-30 of the "Subdivision of Land Regulations" and incorporate the following revisions, modifications and additions to the preliminary plan:
 - a. An easement shall be identified for the approximately 80 foot section of driveway used to access the lot identified as "N/F Scaramellino" from Route 118/202 across proposed open space or, if this easement is discovered to exist to a greater extent and is not proposed to be extinguished, that the

easement be properly identified and referenced on the final plat and be determined to not interfere with any aspect of the proposed development.

- b. Separate parcels with area calculations shall be identified for: the road right-of-way to be offered for dedication to the Town of Somers, each of the other cul-de-sac road rights-of-way (with a minimum width of 26 feet), each open space parcel including any land in the center of cul-de-sacs not part of the right-of-way, the open space parcel to be used for active recreation and each residential lot.
- c. All utility easements shall be identified with a twenty foot minimum width unless substitute provisions acceptable to the Town Attorney are made in-lieu of such designation on the final plat that accomplish the long-term protection of the designated open space parcels and limit infringement on building lots.
- d. The open space buffer corridors along the main road right-of-way shall have a minimum width of twenty feet except where a lesser distance is shown on the preliminary plan identified above; the open space buffers dividing clusters and located between lots shall have a minimum width of twenty-five feet.
- e. A corridor five feet wide shall be identified on the plat on each side of a stone wall that forms a building lot property line (excluding land to be located within an open space parcel as such land shall be protected by separate restrictions). When such property line is the perimeter property line shared with the City of New York, such corridor shall be ten feet wide except that the disturbance required for installation of drainage level spreaders shall be permitted no less than five feet from said property lines.

All such corridors shall be noted on the plat as subject to a restrictive covenant prohibiting grade alteration, construction activity, stone wall disturbance and removal of healthy trees. The proposed text of the restrictive covenant text shall be submitted with the final application.

- 9. That in addition to notes specified in Chapter 150, including 150-30, the following notes be placed on the final plat:
 - a. "All work shall be conducted in accordance with a construction schedule approved by the Town of Somers Planning Board and all applicable regulations."
 - b. "The location of house sites and driveways on the lots 1, 8 and 26 shown hereon may be subject to restrictions that have the purpose of minimizing visual impact from off-site locations, minimizing site disturbance and preserving tree

cover. The extent of the restrictions are defined on the final construction plans approved by the Town of Somers Planning Board. Any change is subject to Planning Board approval."

- c. "Any utility easement located outside of a proposed Town of Somers right-of-way shall consist of no less than a permanent easement of twenty feet minimum width." or such alternative notation acceptable to the Town Attorney in accordance with #8-c above.
- d. "Final approval of this plat has been granted under the provisions of Section 281 of Town Law and adjustments have been made in the zoning requirements for lot area, width, shape and minimum yards. The following minimum/maximum requirements are established, unless amended by the Town of Somers Planning Board:

Minimum area	20,000 sq ft
Minimum width at front lot line:	25 feet
Minimum Size of Yards From Principal Building to Lot Lines:	
Front	25 feet
Side	* 10 feet
Rear	25 feet
Minimum Size of Yards From Accessory Building to Lot Lines if not attached to principal building:	
Front	25 feet
Side	* 10
Rear	15

* A minimum separation of 30 feet shall be provided between the residential portions of principal structures.

No other changes have been authorized in the zoning regulations and the owner of each lot shown hereon shall be subject to all other applicable requirements of the Town of Somers Zoning Ordinance."

- e. "Open space parcels identified as parcels _____ on this plat are subject to restrictive covenants set forth in recorded declaration."
10. That the final construction plans be prepared in accordance with the requirements of Section 150-31 of the "Subdivision of Land Regulations" and incorporate the following revisions, modifications and additions to the preliminary plan:
- a. The applicant shall review alternatives with the Town Engineer to possibly eliminate the four inch dead end water mains by means of looping the eight inch main.

- b. The water main at the south end of the site shall be extended to the Route 118 right-of-way.
- c. Fire hydrants shall be located to the satisfaction of the Bureau of Fire Prevention and the Town Engineer.
- d. The applicant shall review alternatives with the Town Engineer to possibly replace the proposed trench drain with catch basins and to locate two catch basins at the low point of the intersection of Road "A" with the main road.
- e. A separate plan sheet at 1"=20' shall be prepared for the recreation area showing all improvements and grading; the driveway and parking area for the recreation area and pump house shall be paved and be designed to meet zoning requirements for parking facilities; all improvements shall be setback no less than twenty feet of the main road right-of-way so as to maintain the open space buffer (excluding the one driveway crossing and the walking trail).
- f. The road pavement detail for all private roads shall be the Town Code class B detail, subject to any amendments that may be made to the "Subdivision Regulations" prior to construction. The main road shall have a minimum width of twenty-four feet; the cul-de-sac roads shall have a minimum width of twenty-two feet (as was originally proposed by the applicant and as was presented in the draft EIS).
- g. The under drain detail shall refer to the installation of a filter fabric envelope instead of salt hay or building paper; the pipe shall be labeled as six inch perforated corrugated metal pipe.
- h. A six inch reveal shall be provided for asphalt curbs.
- i. The plan shall note that all existing driveways on the site are to be removed and the area restored with necessary grading and landscaping. The limits of this work shall be identified so as to include the driveway through the center of the recreation parcel (excluding the section to be improved as part of the recreation plan) and the driveway parallel to the north side of the property line of the lot identified as "N/F Scaramellino" (excluding the portion to be covered by easement to said lot for access purposes).
- j. The final construction plans shall incorporate proposed means of confining construction activity to areas approved for disturbance, all in accord with the draft and final EIS and the subdivision plan. If determined necessary at any time during the construction period, a limit of disturbance line may be required to be physically delineated on site and maintained.

- k. The site disturbance area required for construction of the level spreaders and detention pond shall not infringe within five feet of the site perimeter property line.
11. That a complete erosion control plan be submitted that encompasses measures satisfactory to the Town Engineer for development of the entire property and not only at the site perimeter. Such plan shall:
 - a. Provide silt basins during the construction phase at proposed drainage discharge points along lands of the City of New York.
 - b. Show utilization of the depressed area on the north side of the main road at station 15+00 as a detention/siltation basin so as to take advantage of the road as a berm or propose an alternative silt trap system acceptable to the Town Engineer.
 12. That the applicant submit documentation setting forth the limitations to be placed on the "open space" lands, consistent with Section 281 of Town Law and the EIS. Said documentation shall:
 - o Specify ownership by an association of lot owners of the Granite Pointe subdivision,
 - o Identify the permitted uses, structures and active common recreation area,
 - o Identify the recreation parcel and reference the site plan for such parcel,
 - o Specify that no further subdivision and development shall occur inconsistent with the approved "Granite Pointe" concept,
 - o State that the purpose of this land reservation is for conservation and the protection of the natural environment consistent with Section 281 of Town Law,
 - o Prohibit excavating, filling, dredging, removal of top soil, building of structures or roads, change in topography, removal or destruction of trees or plants (excluding diseased trees) and dumping except as otherwise provided in this documentation and as may be shown on plans approved by the Town of Somers Planning Board and
 - o Provide that any change to the limitations as set forth in the document shall require the review and approval of the Town of Somers Planning Board.

Such documentation shall be found acceptable as to form by the Town Attorney and shall be recorded in the office of the Westchester County Clerk concurrently with the filing of the final plat.

13. That the homeowners' association rules and regulations and the restrictive covenant document on the open space lands include the provisions discussed in the EIS on restricted use of fertilizer and pesticides and provision for notification to lot owners of such restrictions.
14. That documentation be submitted so as to demonstrate fulfillment of the intent that the central water system entity shall be owned by the Granite Pointe Homeowners Association and if at any time the Homeowners' Association offers the water system to the Town of Somers, it be deeded to the Town at a cost not to exceed \$1.00.
15. That, as agreed to by the applicant, the approximately 3,700 square foot land area located between the west side of the proposed "main road" right-of-way and the east side of land identified as "N/F Scaramellino" shall be offered by deed without restrictions in recordable form to the Scaramellinos.

This approval of the preliminary subdivision application shall expire on December 13, 1990, if no application for final subdivision approval is submitted unless an extension of this time period is requested of and approved by the Planning Board.

This resolution shall have an effective date of June 13, 1990.

BY ORDER OF THE PLANNING BOARD
TOWN OF SOMERS

Jean V. Sherlock
Jean Sherlock, Chairman *per Planning Board 4-3 vote*
on June 13, 1990
Dated: *June 20, 1990*

I hereby certify that this is a true and exact copy of the resolution adopted by the Planning Board at their meeting of June 13, 1990 granting preliminary approval to the Granite Pointe Subdivision.

Eleanor Monaco
Exec. Director/Sec'y
Planning Board