

MEETING DATE: July 9, 2003

PLANNING BOARD
TOWN OF SOMERS, WESTCHESTER COUNTY, NEW YORK

Resolution No. 2003-14
Re-Granting of Conditional Final Subdivision Plat Approval,
and Wetlands and Steep Slopes Permits

For
GRANITE POINTE SUBDIVISION
Town Tax Number: 27.05, Block 3, Lots 2 and 5
Town file #695A

WHEREAS, the subject property, which consists of approximately 28.82 acres, is located on the east side of Route 118/ 202, adjacent to the Amawalk Reservoir, and is shown on the Town Tax Maps as Sheet 27.05, Block 3, Lots 2 and 5; and

WHEREAS, the subject property is classified as "Residence R40 District", as defined by Chapter 170, "Zoning", of the *Code of the Town of Somers*; and

WHEREAS, the Planning Board granted preliminary subdivision approval for a 26-lot cluster subdivision, with a proposed central (community) water system, individual sewage disposal systems and a common recreation area, to Granite Pointe on June 13, 1990, and signed the approving resolution on June 20, 1990; and

WHEREAS, the application was classified as an Unlisted Action, and a thorough environmental review was conducted in accordance with New York State and Town of Somers Environmental Quality Review regulations; and

WHEREAS, the final subdivision application was submitted May 9, 2002, by the Applicant, and included the following plans:

1. "Construction and Integrated Plot Plan", prepared by Bibbo Associates, LLP dated February 16, 1995 and last revised October 1, 2001.
2. "Erosion Control Plan and Details", prepared by Bibbo Associates, LLP dated February 16, 1995 and last revised March 1, 2001.
3. "Miscellaneous Details", prepared by Bibbo Associates, LLP dated September 1, 1998 and last revised March 1, 2001.
4. "Stormwater Facilities", prepared by Bibbo Associates, LLP dated May 5, 2000 and last revised March 1, 2001.
5. "Stormwater Pollution Prevention Plan", prepared by Bibbo Associates, LLP dated June 28, 2001.

6. Wetlands Application form (undated) received November 5, 2001.

WHEREAS, the Planning Board granted final subdivision approval, wetland and steep slopes permits for 23 lots with individual wells and septic systems on July 24, 2002 (Resolution No. 2002-26). Twenty-one (21) new lots will be located on a new roadway off Tomahawk Street (Route 118) and two (2) lots will have access from a common driveway on Route 118; and

WHEREAS, the Applicant has requested and received two 90-day time extensions on the time to file the final subdivision plat on January 8, 2003 and on April 23, 2003, and the final subdivision approval were to expire July 22, 2003; and

WHEREAS, the Applicant has been unable to meet all required conditions within the required time and the final subdivision approval is expected to expire on July 22, 2003; and

WHEREAS, the Planning Board determined that there has been no change in the application or the final plat since the plat was approved by Resolution 2002-26, dated July 24, 2002; and

WHEREAS, the above-noted plans submitted with the final application are the subject of this approval, and must still be revised in accordance to and comply with the requirements of the original approving final subdivision resolution (No. 2002-26) as reiterated below.

NOW, THEREFORE, BE IT RESOLVED that the application for Final Subdivision Approval, Wetlands and Steep Slopes Permits for GRANITE POINTE SUBDIVISION as shown and described by the materials enumerated herein, IS HEREBY RE-GRANTED in accordance with §276 and §278 of Town Law and §150-13.J, "Planning Board Action", of the Town Code, subject to the following conditions as set forth below, and that the Chairman of the Planning Board is hereby authorized to endorse such approval upon the plat after said conditions have been complied with by the Applicant:

Conditions Required Prior to Signing of Plat

1. The Applicant must submit a copy of the plat that has been endorsed by the Westchester County Health Department for review and approval.
2. A copy of the NYSDOT State Highway Work Permit for curb cuts and/or work within the Route 118/ 202 right-of-way shall be submitted.
3. That the application plans be revised as follows:
 - a) The Town of Somers pavement detail shall be provided.

that these lots have been renumbered since preliminary approval to Lot 7 to Lot 29. The lots shall be renumbered Lot 1 through Lot 23 on the construction plan and IPP as approved by the Town Assessor.

- n) The frontages for Lots 10, 15, and 16 must be revised to meet the 150-ft. requirement.
4. The construction plans/ IPP and plat, and the Stormwater Pollution Prevention Plan (SPPP) are to be revised to state that the maintenance of the grass swales to the north and south of the property will be the responsibility of the individual homeowner.
5. The Town Assessor must approve the lot numbers, with a copy of the approving letter submitted to the Planning Board.
6. The Applicant shall submit evidence that the applicant, after consultation with the Town Historian, has written to the Town Board and requested approval of the name of the street (proposed as Granite Pointe Drive).
7. The Applicant is to submit the proposed wording and design of the three cast metal commemorative plaques for the historic roadbed, for approval by the Planning Board and Town Historian.
8. The Steep Slope Protection application fee shall be submitted.
9. A note shall be added to the construction details that no more than 5 acres of area are to be disturbed and left exposed at one time.
10. A note shall be added to the plans and IPP that existing stonewalls and trees are to be preserved to the maximum extent practicable.
11. A landscaping plan is required for the common driveway on Lot 25 and Lot 23 in accordance with the preliminary approving resolution, and must be submitted for review and approval by Planning Board and Staff.
12. Pursuant to the Resolution of Preliminary Subdivision Approval, a letter from the Army Corps of Engineers (USACE) shall be submitted with a determination whether any permits/ approvals are required from that agency, including a determination of any future requirements during basin maintenance activities for Stormwater Detention Basin "B".
13. The SPPP shall be revised to state that the Applicant is to monitor the wetland planting replacement program to include replacing any dead or diseased plantings for the stormwater detention and polishing basins for a period of 5 years after construction, commencing after the Town's acceptance of all road and stormwater management system improvements.

14. All proposed easement documents shall be reviewed and approved by the Town Board and Town Attorney prior to the signing of the plat.
15. Detailed quantity cost estimates for all public improvements proposed in the subdivision are to be submitted, with the quantities certified to by the applicant's engineer.
16. A performance bond/ security shall be posted to cover the cost of public improvements for the site. Said amount shall be in an amount recommended by the Town Engineer and shall be in a form, sufficiency and manner of execution satisfactory to the Town Attorney and approved by the Town Board.
17. An erosion and sedimentation control bond/security shall be posted to cover the cost of soil erosion and sedimentation control measures on the site during the course of construction. Said security shall be in an amount recommended by the Town Engineer and shall be in a form, sufficiency and manner of execution satisfactory to the Town Attorney and approved by the Town Board.
18. An engineering inspection fee for the subdivision shall be paid by certified check to the Town of Somers in accordance with the Fee Schedule adopted by the Town Board; the amount of such fee shall be set after submission by the Applicant of estimated costs for required improvements, as identified by the Town Engineer, and upon recommendation of the Town Engineer.
19. The Applicant shall pay recreation fees for all 23 lots in accordance with the fee schedule established by the Town Board current as of the effective date of this resolution. Any payment made after June 24, 2002 shall be calculated based on the then applicable fee schedule, as determined by the Town Board.
20. The Applicant shall reimburse the Town for any outstanding review fees, as applicable, consistent with §133-1 of the Town Code as well as State and Local Environmental Quality Review laws.
21. The Applicant shall submit all necessary documents pertaining to the dedication, to the Town, of land for the purpose of Right-of-Way to construct Granite Pointe Drive with the Planning Board, as well as drainage and sight easement documents.

On-going Conditions Required After Signing of Plat

1. All work shall be performed in accordance with the approved "Stormwater Pollution Prevention Plan (SPPP)", prepared by Bibbo Associates, approved June 28, 2001 by NYCDEP, and last revised March 1, 2001.

2. Sedimentation and erosion control measures employing best management practices as outlined in NYSDEC's booklets entitled, "Stormwater Management Design Manual (Draft)" dated September 2001, are required to be followed to ensure that all disturbed areas are stabilized and revegetated, and as described in the NYCDEP SPPP permit issued for this project.
3. If rock is encountered during construction, removal will first be accomplished by ripping, hammering, or drilling, in accordance with §148-7.B(4)(k) of the Code.
4. Significant trees and stonewalls on site will be preserved to the maximum extent practicable, in accordance with the notes indicated on the subdivision plans.
5. No more than 5 acres of area are to be disturbed and left exposed at one time
6. Construction activity will be limited from 7:00 a.m. to 6:00 p.m., and no construction activity will occur on Sundays or legal New York State holidays.

BE IT FURTHER RESOLVED that the Planning Board Chairman is authorized to sign the final subdivision plat in accordance with the procedures and requirements specified in §150-14.D of the "Subdivision of Land" regulations of the Town Code, and §276 of Town Law.

In accordance with §150-13.M of the Town Code, this conditional approval of the final subdivision plat shall expire on **January 24, 2002**, 180 days from the date of the resolution granting conditional approval unless the above requirements have been certified as completed by the Planning Board's professional staff, or unless such time limit is extended by the Planning Board for no more than two (2) additional periods of 90 days each. The request for time extension shall be made by the Applicant **prior to** the expiration of the specific time period.

Once the requirements have been certified as completed by the endorsement of the plat by the Chairman of the Planning Board, the plat shall be filed with the Westchester County Clerk, Division of Land Records, within 62 days after the date of signing by the Planning Board, or approval shall expire. The Applicant shall submit seven (7) copies of the subdivision plat showing all signatures and acknowledgements of filing to the Planning Board Secretary within 30 days after the date of filing with the County. In addition, a copy of the filed plat drawing shall be provided on diskette to the Planning and Engineering Department.

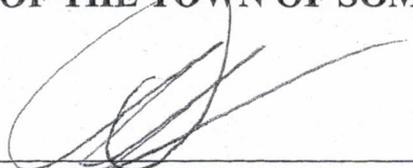
No building permits will be issued on any lot shown on the subdivision plat until the required copies of the plat have been delivered to the Planning Board in accordance with §150-14.H of the Town Code. Upon completion of all improvements, the Applicant shall submit an as-built plan to the satisfaction of the Town Engineer.

Any change in the subdivision plat which is filed in the office of the Westchester County Clerk constitutes a "resubdivision" which is subject to the same procedure, rules and

regulations applying to an original subdivision, as stated in §150-4, "Resubdivision", of the Town Code.

This resolution shall have an effective date of July 9, 2003.

**BY ORDER OF THE PLANNING BOARD
OF THE TOWN OF SOMERS**

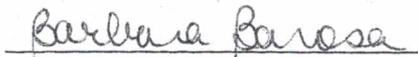


Dennis Shaw, Chairman

Dated: 7-11-03

CERTIFICATION

I hereby certify that this is a true and correct copy of resolution #2003-14 adopted by the Town of Somers Planning Board **RE-GRANTING Final Subdivision Approval, Wetlands and Steep Slope Disturbance Permits--subject to the modifications stated herein--**to the Granite Pointe Subdivision at a regular meeting held on July 9, 2003.



**Barbara Barosa,
Town Planner**

Dated: July 10, 2003

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