

DRAFT

**TOWN OF CORTLANDT
PLANNING BOARD
PB 1-11**

RESOLUTION NO. 6-19

WHEREAS, Croton Realty & Development Inc. submitted an application for Final Plat approval pursuant to Sections 276, 277 & 278 of the New York State Town Law and Chapter 265 (Subdivision Regulations) of the Town of Cortlandt Code for a proposed 27 lot major cluster subdivision with 4 open space parcels as shown on a plat entitled “Subdivision Plat - Hanover Estates” prepared by William H. Free Jr., PLS latest revision dated January 17, 2019 and on a 20 page set of improvement drawings entitled “Subdivision Known as Hanover Estates” prepared by Timothy L. Cronin III, P.E. latest revision dated January 22, 2019, and

WHEREAS, the subject property of approximately 35.9 acres is located on the east side of Croton Avenue, approximately 400 feet north of Furnace Dock Road and is bounded on the west by Croton Avenue, on the north by the Apple Hill Subdivision, on the east by lands of the Lakeland Central School District associated with the Walter Panas High School, and on the south by a residential lot with a house and is designated on the Town of Cortlandt Tax Maps as Section 34.14, Block 2, Lot 28, and

WHEREAS, the technical requirements of Part 617 of the Implementing Regulations pertaining to Article 8 (State Environmental Quality Review (SEQR)) of the New York State Environmental Conservation Law have been satisfied, and

WHEREAS, pursuant to SEQR regulations the Planning Board acted as lead agency in this matter and coordinated review and referrals of the subject application, including the adoption of a Positive Declaration, a Scope for a DEIS, all notices of Completion and Public Hearing and the DEIS and FEIS to all known involved agencies and interested parties pursuant to SEQR, including all mandatory referrals to County and State Agencies, and

WHEREAS, pursuant to SEQR regulations the Planning Board as Lead Agency in this matter adopted a Positive Declaration on April 3, 2012, adopted a Scope for a DEIS on July 10, 2012, adopted a Notice of Completion of the DEIS on December 3, 2013 and adopted a Notice of Completion of the FEIS on May 5, 2015, and

WHEREAS, pursuant to SEQR the Applicant submitted a Draft Environmental Impact Statement for the proposed action entitled “Hanover Estates” prepared by Cronin Engineering, P.E., P.C., dated December 3, 2013, and

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WHEREAS, a Public Hearing was held as required by the above mentioned State and Town regulations on said application and Draft Environmental Impact Statement (DEIS) at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on January 7, 2014, adjourned to February 4, 2014 and March 4, 2014, and

WHEREAS, the Public Hearing Notice and SEQR Notices of Completion were published in the following newspapers “The Journal News” and in the “The Gazette” and in the Environmental News Bulletin, and

WHEREAS, all applicable requirements for Preliminary Layout Approval in Chapter 265 (Subdivision Regulations) of the Town of Cortlandt Code have been met by said application and preliminary plat, and

WHEREAS, the applicant submitted a Final Environmental Impact Statement (FEIS) entitled “Hanover Estates” prepared by Cronin Engineering, P.E., P.C. dated March 17, 2015 for the proposed action, and

WHEREAS, on September 1, 2015 by Resolution 13-15 the Planning Board granted Preliminary Plat approval, Wetland, Steep Slope and Tree Removal permits for the subject application and adopted a SEQR Findings Statement, and

WHEREAS, the Planning Board deems the subject final plat to be in substantial agreement with the preliminary plat, therefore no final public hearing is required for this application, and

NOW THEREFORE BE IT RESOLVED, that the application of Croton Realty & Development Inc. for Final Plat approval pursuant to Sections 276, 277 & 278 of the New York State Town Law and Chapter 265 (Subdivision Regulations) of the Town of Cortlandt Code for a proposed 27 lot major cluster subdivision with 4 open space parcels as shown on a plat entitled “Subdivision Plat - Hanover Estates” prepared by William H. Free Jr., PLS latest revision dated January 17, 2019 and on a 20 page set of improvement drawings entitled “Subdivision Known as Hanover Estates” prepared by Timothy L. Cronin III, P.E. latest revision dated January 22, 2019 is hereby **APPROVED**, subject to the modifications and conditions listed below and the Chairman of the Planning Board is authorized to endorse approval of said Final Plat and improvement drawings upon compliance by the applicant with such conditions as listed below. However, if such conditions are not complied with within one hundred and eighty (180) days from the date of this Resolution, the Final Plat shall be deemed disapproved which period may be extended by the Planning Board for additional periods of

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ninety (90) days each, and

FURTHER BE IT RESOLVED, in accordance with law, the approval or approval with conditions of any Final Plat shall expire within sixty two (62) days of the date of the signature of the Chairman of the Planning Board on the Final Plat if said Final Plat has not been filed in the Office of the County Clerk. Conditional approval of the Final Plat does not entitle the owner to file said Final Plat until the listed conditions are accomplished and the Chairman signs the Final Plat.

CONDITIONS AND MODIFICATIONS:

- 1. Obtain the signature of the Westchester County Health Department on the final plat.**
- 2. Following the signature of the Westchester County Department of Health on the Final Plat mylar obtain the signatures of the Chairperson of the Planning Board, the Director of Technical Services and the Director of Environmental Services on the plat. Then: (a) Submit a complete set of mylar improvement drawings and the signed mylar plat and four (4) paper prints of the subdivision plat and improvement drawings to the Planning Office prior to filing the final subdivision plat in the County Clerk's office (b) Submit an electronic AutoCAD file or a CD of the final plat.**
- 3. Execute and record in the Division of Land Records, Westchester County, a Declaration of Covenants guaranteeing sanitation pickup, roadway maintenance and snowplowing as required by Town Board Resolution No. 181-85.**
- 4. Provide the Planning Board with an affidavit confirming that title to all of the premises located within the proposed subdivision remain in the applicant or its successor in interest as to the entire parcel which was the subject of this application.**
- 5. Revise the final plat to show the location of the required monuments and benchmarks to the satisfaction of the Director of Technical Services.**
- 6. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid in compliance with the Town Code.**
- 7. No excavation, tree removal or site work other than that required for soil testing in connection with project infrastructure shall be performed until the final plat is approved and all applicable conditions of final plat approval are satisfied.**
- 8. Prior to any improvements commencing on site, applicant shall post a combined Performance Security and a soil and erosion control and maintenance security in an amount to be determined by the Director of Technical Services guaranteeing the general upkeep of the**

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site and the required soil erosion structures during construction and the completion of the required drainage structures, water and sewer improvements. Any security or performance collateral required to be posted shall be in accordance with Chapter 237 of the Town Code, Section 307-73.1 of the Town Code and as per Town Board Resolution 190-04.

9. Revise the final plat to show a 50' buffer behind lots 1-4 as recommended by the Town's bio-diversity consultant.

10. The applicant is advised that before the Chairperson signs the final plat an inspection fee in the amount of 5% of the construction costs of the improvements will be required by the Town. The applicant shall submit an itemized breakdown of all labor and materials for all on and off-site construction work for review by the Director of Technical Services.

11. In accordance with the Town Subdivision Regulations and the Town Board Cluster Authority, as per Town Board Cluster Resolution 211-14, the applicant is advised that prior to the Planning Board Chairperson signing the Final Plat the \$162,000 recreation fee and the \$338,000 voluntary contribution, agreed to in the Town Board Cluster Resolution and totaling \$500,000, is required.

12. The applicant shall submit a wetland mitigation and monitoring plan to the satisfaction of the Town wetland consultant and the Director of Technical Services. As part of the mitigation plan, all wetlands shall be re-inventoried. The applicant shall fund, an initial amount of \$10,000.00 (and be responsible for any additional fees), for the mitigation and monitoring plan to include the monitoring, maintenance and replacement of wetland vegetation after construction for a period of 5 years minimum to the satisfaction of the Director of Technical Services.

13. Prior to the signing of the Final Plat the applicant shall petition the Town Board to extend the Peekskill Sanitary Sewer District to include the subject property as well as form a Town Sewer District.

14. Prior to the signing of the Final Plat the applicant shall petition the Town Board to establish a drainage district for the subject property and thereafter actually form the Drainage District to maintain the proposed drainage facilities, including the stormwater basins, to the satisfaction of the Director of Technical Services and the Legal Department.

15. The applicant shall comply with the requirements of New York City Department of

Environmental Protection for any work proposed within the NYC watershed boundary.

16. Revise the construction improvement drawings, to the satisfaction of the Director of Technical Services and address all comments of the Engineering Technical Review memo attached hereto signed and dated 2/28/2019 by the Director of Technical Services.

17. The property owner shall enter into a Stormwater Management Facilities maintenance agreement and a Stormwater Management Facilities inspection and maintenance easement.

18. Revise note 4 on the Final Plat to read “The open space parcels are to remain open space and left undisturbed. The ownership of said parcels shall be the Town of Cortlandt”.

18. Prior to the release by the Town of the signed Final Plat for filing by an approved Title Company, submit and execute for recording the Deeds for Conservation Parcels A, B, C & D to the Town of Cortlandt to the satisfaction of the Town Legal Department and the Director of Technical Services. The applicant shall provide the Town with a Title Report and Title Insurance in the amount of \$50,000.

19. The Applicant is advised that the following road improvements (currently estimated at approximately \$100,000 and to be adjusted for inflation) as detailed in the Findings Statement, are required to be implemented prior to the issuance of the first Certificate of Occupancy:

- **Upgrading traffic signal controllers at the intersections of Route 202/Croton Avenue and Route 202/Bear Mountain Parkway to include the latest technology;**
- **Installing wireless detection devices on all lanes of the Route 202/Croton Avenue intersection to increase green time, and reduce delay and queuing;**
- **Installing fire pre-emption devices on emergency services vehicles and at the intersections of Route 202/Croton Avenue and Route 202/Bear Mountain Parkway to allow for congestion free travel through these intersections;**
- **Installing warning signage along Croton Avenue near the Project Site driveway, and the nearby Town park driveway;**
- **Removing vegetation along the east side of Croton Avenue *north* of the Project driveway, and removing vegetation and stone retaining wall along the east side of Croton Avenue *south* of the Project driveway, to achieve acceptable sight distance at the Project Site driveway; and**
- **Utilizing the Town’s Speed Monitoring Awareness Radar Trailer along Croton Avenue as needed to monitor and control speeding.**
- **Complete a traffic engineering study to identify improvements that could be implemented at the intersection of Croton Avenue and Furnace Dock Road.**
- **Looping the water main to Apple Hill Drive.**

20. Prior to the issuance of any permit, the Applicant shall submit all approvals by agencies having jurisdiction including but not limited to the NYSDEC, NYC DEP and WCDOH.

21. The Directors of Technical Services and Environmental Services recommend that upon reviewing the proposed Sanitary Sewer Map Plan and Report, that the Applicant evaluate providing a standby generator and pump to service the Cortlandt Ridge Sewer Pump Stations

in the event of emergency or make suitable contribution to the purchase thereof.

22. If rock crushing is proposed, the Applicant is advised that all air quality permits issued by the WCDOH shall be submitted prior to any site work commencing.

TO BE CONSIDERED FOR ADOPTION: MARCH 5, 2019