

**PLANNING BOARD
VILLAGE OF TARRYTOWN**

RESOLUTION OF APPROVAL FOR PRELIMINARY SUBDIVISION

NAME OF PROJECT: Greystone on Hudson

APPLICATION NO: _____ DATE OF ACTION: _____

TAX MAP IDENTIFICATION NO: Sheet 29, Lots P42B and P42B2 and portions of adjacent parcels.

On a motion of _____, seconded by _____ The following resolution was adopted:

WHEREAS in accordance with Chapter 263 of the Code of the Village of Tarrytown, adopted December 7, 1959, and as last revised, a formal and complete application for Subdivision Approval for the project known as Greystone on Hudson prepared by Broadway on Hudson Estates LLC ("Applicant") and dated _____ was submitted to the Planning Board, and the Applicant has represented to this board that they are the owner or the lawful contract vendee of the land to be developed; and

WHEREAS, an application fee of \$_____ has been received by this Board; and

WHEREAS, pursuant to SEQRA:

On September 7, 2011 the Applicant submitted an application for Subdivision Approval to the Village of Tarrytown;

On October 25, 2011 the Applicant submitted an application for Subdivision Approval to the Town of Greenburgh;

On October 25, 2011 the Applicant submitted an Environmental Assessment Form (EAF) to the Village of Tarrytown and the Town of Greenburgh;

On November 17, 2011 The Village of Tarrytown declared its Intent to be Lead Agency;

On December 8, 2011 the Village of Tarrytown Planning Board circulated the EAF and Notice of Intent to be Lead Agency to all Involved Agencies;

On January 12, 2012 the Village of Tarrytown Planning Board declared itself Lead Agency;

On January 12, 2012 the Village of Tarrytown Planning Board issued a Positive Declaration, which required the preparation of a Draft Environmental Impact Statement;

On January 19, 2012 the Applicant submitted a Draft Environmental Impact Statement (DEIS) to the Village of Tarrytown Planning Board;

On February 27, 2012 the Planning Board accepted the DEIS as complete for public distribution and scheduled a public hearing on the DEIS for March 26, 2012;

On March 26, 2012 the Planning Board held a public hearing on the DEIS at which the public had the opportunity to provide comments on the DEIS;

On March 26, 2012 the Planning Board closed the public hearing on the DEIS and established April 5, 2012 as the closing date for submission of written comments;

On April 6, 2012 the Applicant submitted a Final Environmental Impact Statement (FEIS); and

On May 8, 2012 the Planning Board adopted a Findings Statement on the application; and

WHEREAS, this Board has referred this application to the following boards, commissions and agencies and has received and considered all reports of the following if provided;

Village Board of Trustees
Village Engineer
Village Counsel
Village Fire Chief
Village Tree Commission
Village Planning Consultant
Village Landscape Consultant
Town of Greenburgh Planning Board
Irvington Union Free School District
Westchester County Department of Health
Westchester County Planning Board
NYS Department of Transportation, Region 8
NYS Department of Environmental Conservation
NYS Department of State, Division of Coastal Resources
NYS Department of Parks, Recreation and Historic Preservation
Lyndhurst
Old Croton Aqueduct State Park;

WHEREAS, the Planning Board is authorized to review a proposal for a subdivision per New York State Village Law Section 7-738 and per the Village's cluster provisions per §305-131 of the Village Zoning Code; and

WHEREAS, the Planning Board approves the following waivers for this application:

- A. To allow a small amount of steep slope disturbance necessary for the safe use of the existing carriage trail roadway;
- B. To allow for an 18 foot right-of-way along a small section of the internal roadway for preservation of existing trees;
- C. To allow up to a 12 percent slope on a few small sections of the internal roadway to use the existing roadway in order to minimize site disturbance;
- D. To allow for the placement of the entrance into the site within the 100 foot buffer on South Broadway to allow continued use of an existing roadway and minimize site disturbance;
- E. To allow for the disturbance of a small steep slope area for the roadway at the entrance to the site to allow continued use of an existing roadway and minimize site disturbance;
- F. To allow an increase in building height and an increase in gross floor area up to 15,000 square feet for the proposed residences to allow for the development of proportionally appropriate homes on the site consistent with the architectural concepts provided in the Environmental Impact Statement for the proposed development and consistent with energy conservation efficiencies; and
- G. To permit encroachment into the intermittent watercourse buffer for Lot 5 to allow for less overall disturbance on the site.

WHEREAS, a public hearing on the Subdivision Application was held on: May 29, 2012

THEREFORE NOW BE IT RESOLVED that the application for Subdivision Approval for Greystone on Hudson prepared by the Applicant, dated September 7, 2011, be preliminarily approved subject to the following modifications and conditions and that the Planning Board Chairman and the Building Inspector be authorized to endorse this Board's approval of said project upon compliance by the Applicant with the modifications and additional requirements as outlined herein:

General

1. This preliminary subdivision approval is subject to all further requirements of the Village Engineer and Village Landscape Consultant.
2. No performance bond shall be released until all of the conditions are met to the satisfaction of the Village Engineer and Village Attorney.
3. The Subdivision Plat and the deed for each lot shall contain a deed restriction preventing any further subdivision of the lots in both Tarrytown and Greenburgh.
4. All Village engineering, inspection, and consulting fees shall be paid prior to the issuance of a certificate of occupancy for each house constructed. All current fees shall be paid within 30 days of preliminary subdivision approval.
5. The Applicant, or future property owner, shall furnish "as built" drawings when site work is completed.
6. The applicant shall provide design and specifications for road improvements as required by the Village Engineer.
7. The Applicant shall restore and utilize the original Greystone tree-lined road.
8. Prior to final subdivision plat approval the Applicant must coordinate with Con Edison and other utility companies if applicable to ensure that they review the plans and sign-off on the location of utility lines. If trees designated to be preserved are damaged or removed as a result of utility lines, they must be replaced by the applicant in consultation with the Village's Landscape Consultant.

Permits

9. All applicable local, county, state and regional permits shall be obtained prior to obtaining a Building Permit. In the event that such permit(s) requires a modification to the subdivision approved by this resolution, a determination shall be made by the Building Inspector as to whether the modification is substantive and should be returned to the Planning Board.
10. The Applicant must prepare and submit a Notice of intent to NYSDEC to seek coverage under General Permit GP-02-01 for Construction Activity. The Applicant shall copy the Village on all correspondence relevant to the NYSDEC permit.

Easements

11. Easements shall be prepared and properly executed between the owner of the subject property, future purchasers and adjacent property owners, where applicable. These easements and agreements shall be submitted to the Village Attorney and Village Engineer for review prior to their recordation to ensure consistency with the purpose and intent of subdivision approval and subsequent site plan approval. In addition, notes shall be added to the site plan listing these and all other easements on the property.
12. The Coppola and Min Ding/Sabrina Shue residences (“Utility Easement Holders”) currently have easements through the Applicant’s site for utilities. The Applicant will ensure updated Greystone utilities will be brought to the Utility Easement Holders’ property line.
13. The Village has an emergency access easement onto the Coppola property’s existing driveway via Roundabend road. This easement will be replaced with a reciprocal easement between Greystone’s new roadway (“Carriage Trail”) and Roundabend Road to replace the existing emergency access easement. A break away gate is and will continue to be provided at this location to limit access for emergencies only. The applicant will pave the emergency access easement area with a material suitable for access by emergency responders and plowing.
14. The Village of Tarrytown has an access easement over the Coppola property’s existing driveway to its water tower and police repeater tower. This easement will be replaced by an easement over Carriage Trail to access the water tower and repeater tower.
15. The Nigerian Embassy currently has an emergency access easement onto the Coppola’s existing driveway. The Nigerian Embassy will retain this emergency access easement, but upon completion of Carriage Trail will have emergency access to South Broadway via Carriage Trail.
16. The Applicant will either move the existing gate or supply a new gate(s) to provide emergency access for Tarryhill from the tennis courts and the pool. Emergency access from the tennis courts will be through the Tarryhill fence on the northwestern part of the tennis courts. A second egress out of the pool area will be provided, exact location to be determined.
17. All easements required by the subdivision will be executed and recorded prior to the issuance of a building permit for a lot on which those easements are reserved by the final subdivision plat.

Open Space Donation

18. The Applicant will donate Lot 9 in Tarrytown, including the historic gate along South Broadway, to the Village as open space in perpetuity.
19. The Applicant will donate Lot 13 in the Greenburgh subdivision to the Town of Greenburgh as open space in perpetuity with a conservation easement to the Village of Tarrytown. The conservation easement will be created prior to the final Village of Tarrytown subdivision approval even though the Greenburgh land that is subject to the conservation easement will not yet be subdivided at that time. Once the Greenburgh property has been subdivided, the Town, the County of Westchester and the State of New York will have 180 days within which to accept the transfer of the 21.7 acre open space parcel. If the Town, the County and the State refuse the transfer or do not act on the offer within the 180 day time frame, then the applicant must transfer the property to a not-for-profit conservation organization, pursuant to ECL 49-0305(3)(a).

Site Plan

20. The Applicant, or future property owner, shall submit a site plan application for each lot of the approved subdivision where a residence is to be constructed.
21. Subsequent site plans for individual lots shall comply with the Village's Tree Replacement and Maintenance Policy and Tree Replacement Fund. Each site plan application shall include a landscaping/planting plan and a tree protection and preservation plan. The proposed residences shall be located such that existing topography, trees and wetlands are preserved to the maximum extent practicable. Within the limits of disturbance for the individual site plans, all efforts shall be made to avoid removal of existing mature trees through site design and construction best practices, including the use of smaller construction equipment.
22. All driveways shall be of permeable pavers or equivalent permeable surface as approved by the Village Engineer excluding lots where the Applicant is reusing existing driveways.
23. The Applicant shall preserve the historic stone wall along South Broadway and incorporate it into the site design.
24. If individual mail delivery is not provided by the postal service, a mail pick up area will be located on the site.

Tree Protection

25. The Applicant shall adhere to the tree protection and preservation measures as per Village Code.

Landscaping and Screening

26. Landscaping shall be installed and maintained in perpetuity in accordance with the approved Landscaping Plan for the site. In the event that said landscaping is not installed or maintained to the satisfaction of the Village Engineer or his/her designee, the Village Engineer shall notify the Applicant or his/her successor in writing of the violation. If the violation is not corrected within 30 days to the satisfaction of the Village Engineer, the Village shall correct the violation and shall be reimbursed for costs to the Village by: .
- a) the Applicant, if it is a violation of initial installation
 - b) by the Homeowners' Association, if it is a violation of ongoing maintenance of landscaping on the Greystone common Property
 - c) by the owner of the individual lot, if it is a violation of maintenance of landscaping on an individual lot.

Individual homeowners and the HOA are allowed to plant on their property in the future in accordance with Village code.

27. The applicant will work with the Village's landscape consultant to determine appropriate plantings for the project site. Plantings shown on the Landscaping Plan should be a combination of native species and non-invasive, non-native species. Plantings should be attractive year round and should be deer resistant to the extent possible. Appropriate landscaped screening must be provided for all abutting neighbors including Tarryhill residences and the Ding/Shue and Coppola properties.

Stormwater Management, Erosion and Sediment Control

28. The stormwater management/drainage plan for the site must be approved by the Village Engineer and must be included in the project's Stormwater Pollution Prevention Plan as required by NYSDEC Phase II Stormwater Regulations.
29. All slopes shall be graded to a slope of 3:1 or less and shall be planted with a sufficient ground cover or shrub and tree plantings to ensure long-term stability of the slope.

30. The Applicant and/or Homeowners' Association shall have the site inspected each spring and fall for three years following final stabilization. Plant material must be replaced as required and deficiencies in site stability immediately corrected.
31. A construction bond shall be required to insure the proper installation and maintenance of sediment and erosion control measures. The amount of the construction bond shall be determined by the Village Engineer. The Applicant shall be required to install all sediment and erosion control measures and make sure that they are in place and functioning throughout the entire construction process. Such measures shall be monitored by the Village Engineer or his/her designee.
32. The Applicant shall implement an Erosion and Sediment Control Plan, which is to include the following:
- a. Install erosion control measures for approval by the Village Engineer or his/her designee prior to commencing construction;
 - b. Complete clearing and grubbing operations for approval by "the Village Engineer or , his/her designee prior to earth moving operations;
 - c. When earthwork commences, erosion and sediment controls are to be monitored and maintained and approved by the Village Engineer or his/her designee;
 - d. Earth excavation is to occur only within the limits of disturbance;
 - e. When rough grades are established, utility infrastructure shall be installed;
 - f. After the building construction is complete, grades are to be brought to final elevations, road pavements and curbs installed, and the site stabilized with topsoil and plantings; and
 - g. Submit a schedule for all of the above to the Village Engineer or his/her designee for approval prior to commencing site work.

Construction

33. The Applicant shall provide to the Building Inspector and Village Engineer a "staging and construction plan" to identify the location of construction equipment, construction materials and debris on the site. This plan shall be submitted prior to any site disturbance or the location of construction equipment on the site.

34. Before beginning land clearing, placing construction equipment on the site or actual construction on the property, the boundary of each lot must be staked out by a licensed surveyor.
35. The Applicant shall provide an escrow account for consultant expenses that may be incurred by the Village as a result of construction monitoring activities.
36. The following monitoring plan will be implemented in order to ensure that construction activities are carried out to specifications:
 - a. The Applicant shall provide to the Building Inspector and Village Engineer with a staging and construction plan to identify the location of construction equipment, construction materials and debris on the site. This plan shall be submitted prior to any site disturbance.
 - b. The Applicant shall appoint a foreman who will be in charge of assuring that all construction activities are in accordance with the monitoring plan.
 - i. The Foreman will prepare a written weekly inspection and maintenance report, which will be submitted to the Village Engineer until the proposed Stormwater Management Plan is determined to be fully installed
 - ii. A certified engineer will inspect all erosion and control measures during and after rainfalls
 - iii. Erosion and sedimentation problems will be identified and corrected as soon as possible with immediate notification to the Village Engineer
 - iv. Additional hay bales, silt fencing and wood stakes will be stored on site in case of emergency
 - v. The following steps will be taken to protect existing trees:
 - The applicant will submit an updated tree survey for each lot at the time of site plan approval to ensure the accuracy of the tree survey over time
 - On days when trees are scheduled to be removed the applicant's landscape architect and the Foreman and/or the applicant/owner will be present to supervise and ensure that only trees that are supposed to be removed are removed. The tree removal schedule will be provided to the Village Engineer.
 - No construction vehicles, equipment or materials shall be stored under a tree or within a trees drip line. Fences must be provided to protect existing trees in the construction area, in accordance with the Tarrytown Tree Ordinance.
37. The Applicant and/or contractor shall adhere to the following conditions with respect to the Old Croton Aqueduct.

- a. Protect the culvert under the Aqueduct.
 - b. Avoid storing construction vehicles, equipment or materials on the surface above the Aqueduct. This shall be noted on the construction drawings.
 - c. Restore the surface above the Aqueduct to its original condition should surface disturbances occur. Any damage to the Aqueduct property as a result of construction activities, stormwater, or other means shall be replaced in kind at the sole expense of the Applicant. This shall be noted on the construction drawings.
 - d. Conduct an inspection of the Aqueduct in the event any blasting becomes necessary within 200 feet of the Aqueduct. If blasting is required for any reason on site, a pre-blast survey shall be conducted for all structures within 500 feet of the blast site, including an inspection of the Aqueduct "tube." All blasting activities shall adhere to local, state and federal regulations. Inspection of the "tube" shall be conducted in accordance with all OSHA requirements, including an on-site rescue team during the inspections at the Applicant's cost. Post-blast inspections shall also be conducted to ensure no damage to the Aqueduct has occurred. The blasting protocol shall be noted on the construction drawings.
38. A construction bond shall be required to insure the proper installation and maintenance of sediment and erosion control measures. The developer shall be required to install all sediment and erosion control measures and make sure that they are in place and functioning throughout the entire construction process. Such measures shall be monitored by the Foreman who will immediately report any problems to the Village Engineer.
39. The Applicant shall submit a schedule for all earthwork and land disturbance to the Village Engineer or his/her designee for approval prior to commencing site work. The Applicant shall notify the Village Engineer or Building Inspector with confirmation at least 48 hours in advance of any site disturbance to inspect the installation of erosion and sediment control devices, and tree and stream protection measures.
40. The telephone and electric lines to the Ding/Shue property are to remain operational without interruption during the entire construction process.
41. All construction activities shall be performed during the times permitted under the Village Code. If deemed necessary by the Village Engineer, Building Inspector or Chief of Police, the Applicant shall pay for a police officer to direct traffic at the

entrance to the site on weekdays during the permitted hours of construction until such time when the level of construction activities at the site no longer warrant the officer.

42. Construction activities shall be limited as outlined in the Village's Noise Control Code. All construction vehicles and equipment must be maintained and operated in an efficient manner.

Blasting

43. All blasting shall be carried out by a licensed professional and shall be done in full conformance with New York State and Village of Tarrytown ordinances governing the use of explosives and in accordance with "Blasting Specifications." The blasting contractor performing the work will be fully insured. A Blasting Inspector shall be on site for all blasting events. A qualified independent specialist shall be required to inspect off site foundations or other structures before and after blasting work to assure that no damage results from ground vibrations. The details of said inspection shall be provided to the Applicant by the Village Engineer or Building Inspector.
44. Once any required blasting sites have been identified, a general blasting schedule shall be developed in concert with the Building Inspector or Village Engineer covering the specific blasting operation.
45. Warning flags or other means will be used at a reasonable distance to give proper warning to the public at least three minutes in advance of firing. Blasting will not be conducted between the hours of 4:00 PM and 9:00 AM, nor on Sundays.

Homeowners' Association

46. A Draft Homeowners Association (HOA) Agreement shall be submitted to the Village Attorney for confirmation that the HOA is consistent with the purpose and intent of the conditions for site plan and subdivision approval.
47. The HOA must be in place before the first Certificate of Occupancy can be granted.
48. The Homeowners Association will be responsible for maintenance of:
- a. The detention basin in the lowest portion of the property in Tarrytown by South Broadway
 - b. The approved stormwater/drainage measures for each lot

- c. Private internal roadways
- d. Common areas
- e. The approved landscaping
 - i. The Applicant shall include a provision in its Homeowners' Association (HOA) bylaws that the HOA will be responsible for maintaining all trees on the Greystone property, and individual homeowners will be responsible for maintaining trees on their owned property. Such provision shall specify that the Applicant's neighbors will not be responsible for maintenance of trees on the border of Greystone property.
 - ii. A covenant shall be placed in each home owner's deed, in the miscellaneous document of each property, and in the homeowners' association declaration that prohibits the use of phosphate fertilizers. Organic, non-phosphate fertilizers may be used.

Other

- 49. Pursuant to §15-0134 of the Environmental Conservation Law, certified water saving devices shall be used in the construction of all new homes to reduce the proposed water and sewer demand.
- 50. Pursuant to Local Law No. 3-1992, each new home shall be equipped with a sprinkler system.
- 51. Each new home shall be designed to meet or exceed the New York State Energy Conservation Code.
- 52. The Applicant must comply with the Village of Tarrytown's Affordable Housing Ordinance before the first Certificate of Occupancy will be granted.
- 53. The Applicant shall coordinate with the local postmaster to pursue individual mailboxes for each residence.
- 54. Prior to site development, the Applicant shall provide recreational fees of \$7,000 per buildable lot pursuant to the fees established by the Village Board of Trustees (\$7,000 per lot, 8 buildable lots). All common areas as well as Lot 9 shall be exempt from paying the recreation fee as it shall be donated to the Village for open space.

DATE OF RESOLUTION: _____

SIGNED BY: _____

Dr. Stanley Friedlander, Chairman

ROLLCALL:

AYES:

NAYS:

ABSTAIN: