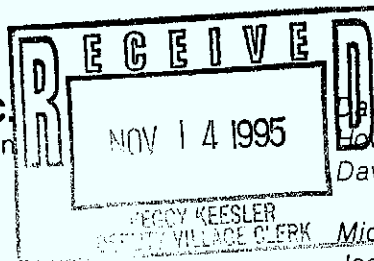


file - Name & dates

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David J. Portman, AICP
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November 9, 1995

Norman Sheer, Esq.
Hashmall, Sheer, Bank & Geist
399 Knollwood Road
White Plains, New York 10603

Subject: Baltic Estates Final Subdivision

Dear Norm:

As requested, I am enclosing herewith the revised final version of the **Resolution of Final Subdivision Plat Approval** in connection with the above captioned project which is ready for you to sign and forward to Donna.

If you have any questions with regard to the Resolution, please let me know.

Best regards.

Very truly yours,

A handwritten signature in dark ink, appearing to read "David H. Stolman".

David H. Stolman, AICP
Executive Vice President

Enclosure

cc: Donna Conkling
Richard F. Herbek
Philip A. Tully, PE, CPCA

**PLANNING BOARD
VILLAGE OF CROTON-ON-HUDSON, NEW YORK**

**BALTIC ESTATES SUBDIVISION
RESOLUTION OF PRELIMINARY SUBDIVISION PLAT APPROVAL**

WHEREAS, the Estate of Hubert Bartzick and Jonas Bastys (the "Applicant") has applied for Preliminary Subdivision Plat Approval of a subdivision involving thirty-five (35) clustered residential building lots, two (2) open space lots, and two (2) improved non-residential lots (the "Project") on property which is located on the easterly side of Albany Post Road (NYS Route 9A), Baltic Place, and both sides of Scenic Drive West, and which is designated as Section 67.10, Block 2, Lots 2, 4, 5, 7 and 8 on the Village of Croton-on-Hudson tax maps (the "Subject Property"); and

WHEREAS, the entire Subject Property is 36.77 acres in size, with 1.50 acres of the total being zoned O-2 Limited Office District and the 35.27-acre balance being zoned RA-25 One-Family Residence District; and

WHEREAS, the undeveloped portion of the Subject Property is wooded and contains steep slopes, wetlands and watercourses, shallow soil conditions and near-surface bedrock, and rock outcroppings; and

WHEREAS, in settlement of an Article 78 proceeding brought by the Applicant, the following actions have taken place:

- 1. Portions of the Subject Property were rezoned from the O-2 and O-3 Limited Office Districts to the RA-25 One-Family Residence District;**
- 2. This rezoned portion of the Subject Property was limited in development to a maximum of thirty-five (35) residential building lots;**

3. On April 4, 1994 the Croton-on-Hudson Village Board of Trustees authorized the Planning Board to modify the applicable provisions of the Village's Zoning Law in accordance with Section 7-738 of the Village Law and to require the Applicant to submit a cluster subdivision application which reflects such modification; and
4. On April 12, 1994 the Planning Board adopted a resolution requiring the Applicant to submit an application providing for the clustering of residential units on the Subject Property; and

WHEREAS, the proposed Project is a cluster subdivision; and

WHEREAS, with regard to the State Environmental Quality Review Act, the Planning Board, as Lead Agency for the Project, issued a Negative Declaration pursuant to Part 617 of 6 NYCRR, thereby finding that the Project will not have a significant impact on the environment and thereby finding that the preparation of a Draft Environmental Impact Statement will not be required; and

WHEREAS, the Preliminary Subdivision Plat for the Project is expressed on the following drawings prepared by Ralph George Mastromonaco, PE and generally entitled, "Baltic Estates, Scenic Drive West, Village of Croton-on-Hudson, Westchester County, N.Y.":

1. "Preliminary Plat, Cluster Plan", drawn at a scale of 1" = 50' and dated November 16, 1994;
2. "Utility Plan", drawn at a scale of 1" = 50' and dated August 25, 1994;
3. "Erosion/Sediment Control Plan", prepared at a scale of 1" = 50' and dated August 17, 1994;

4. "Profiles, Road/Sewer/Drain", drawn at a horizontal scale of 1" = 50' and a vertical scale of 1" = 10', and dated August 25, 1994; and
5. "Details, Standard/Special", drawn not to scale and dated August 25, 1994 (the five (5) drawings listed above constitute the "Preliminary Subdivision Plat Drawings"); and

WHEREAS, the Planning Board held a public hearing on the Preliminary Subdivision Plat on September 27, 1994, which public hearing was adjourned to October 4, October 25, November 22, 1994, at which times all persons interested were given an opportunity to be heard; and

WHEREAS, on July 6 and September 15, 1994 the Planning Board referred the subject application to the Westchester County Planning Board in accordance with §§ 239-1 and n of the General Municipal Law; and

WHEREAS, the Westchester County Planning Board responded to the referral by way of its correspondence dated December 16, 1993 and November 22, 1994 which stated in part that:

"The current proposal to rezone the O-3 district portion of Baltic Estates to RA-25 remains a matter for local determination. This will be consistent with the remaining property which had previously also been rezoned to RA-25. Establishment of 35 residential lots is consistent with the gross residential density as recommended by both Urban Form Refinement and proposed Patterns County Planning Board guidelines"; and

WHEREAS, the Westchester County Planning Board in its above mentioned letter also made certain non-binding recommendations; and

WHEREAS, the Planning Board has inspected the Subject Property, is familiar with the Subject Property and its surroundings, and has reviewed the Project in accordance with the standards for approval contained in the Village's Zoning Law and the Subdivision Regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings:

- 1. The Subject Property's steep slopes, wetlands and watercourses, shallow soil conditions and near-surface bedrock, and rock outcroppings are such as to require detailed environmental measures in order to allow the development of the proposed thirty-five (35) homes without significant adverse environmental impacts.**
- 2. The Negative Declaration issued for the Project is based upon the expectation that these detailed environmental measures will be implemented properly.**
- 3. Environmental measures include the precise siting of roads, driveways, utilities, homes and other improvements ("Improvements"), and areas of disturbance as well as the relationship of one home to another.**
- 4. Imprecise or unworkmanlike siting of Improvements may cause irreparable damage to the wetlands and watercourses on the Subject Property, and may cause unacceptable erosion and sedimentation.**
- 5. It would be environmentally unsound and contrary to the public health and safety to develop the Project without such precise siting of the proposed Improvements, nor would it be prudent to allow such development without adequate means to quickly correct errors or omissions in construction.**

6. The Subject Property's environmental conditions require an effective implementation of environmental standards and controls and strict compliance to the Westchester County Best Management Practices Manual for construction related activities. Inspection and supervision of the development by a person or persons qualified by special training and/or education is mandatory, and such supervision will require substantial expenditures of monitoring time.
7. The above mentioned inspection and supervision will be accomplished through the efforts of the Village Engineer and through the Environmental Compliance Law (Chapter 115 of the Village Code), which law contains specific fee provisions which will, as then currently in effect, apply to the Project; and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants conditional Preliminary Subdivision Plat Approval to the Project, as expressed on the Preliminary Subdivision Plat Drawings, subject to the fulfillment of the following conditions and qualifications to the satisfaction of the Planning Board:

1. As part of the Final Subdivision Plat approval process the Applicant shall fulfill requirements including, but not limited to the following:
 - a. As part of the Final Subdivision Plat application package, the Applicant shall submit a drawing entitled "Final Subdivision Plat" in a form suitable for filing in the Office of the Westchester County Clerk, which drawing shall show the parcels, easements, appropriate notes, dimensioned building envelopes and other items shown on the Preliminary Subdivision Plat Drawings, except as

they shall be modified so as to meet the satisfaction of the Planning Board, including but not necessarily limited to the following:

- (1) A clear, consistent, readily noticeable delineation around all sides of the development area proposed for each lot.
- (2) An explanation of the allowable and unallowable activities within the area protected by the Clearing and Grading Limit Lines shown on Lots 16 through 27.
- (3) The replacement of all street trees on Scenic Drive that are dead or dying, with healthy living trees of equal nature to those proposed for Hubridge Court.
- (4) Set driveway locations for Lots 6 through 10.
- (5) A note indicating that no access to Baltic Place will be allowed from Lot 1.
- (6) A revision to the proposed trail located on the southern portions of Parcel A by means of showing the trail ending at the northern corner of the property labeled as "N/F Denton" on the Preliminary Plat.
- (7) An additional trail easement connecting the currently proposed trail with the southernmost corner of the Subject Property adjacent to Albany Post Road.
- (8) An indication as to which are the proposed and former lot lines pertaining to Lots C, D, and the parcel designated Sheet 67.10, Block 2, Lot 2 on the Village tax maps.

- (9) The following note:

"The conditions contained in the Village of Croton-on-Hudson Planning Board's Resolution of Final Subdivision Plat Approval adopted on _____ relating to the design and construction of all improvements on this property shall be binding on all successors and assigns of all of the property shown on this plat."

- (10) The following note:

"I, _____, a Licensed Land Surveyor of the State of New York, do hereby certify that this plan correctly represents the lots, land and streets as surveyed and plotted by me for the owner or agent.

Date _____, LLS"

- (11) Corrected zoning on the Location Map; the zoning currently shown is not correct.

- (12) A detail showing the proposed method of tree protection.

- (13) The following note:

"Parcels C and D shall not be used for anything other than parking for the buildings on Section 67.10, Block 2, Lot 2, and all necessary approvals from the Village of Croton-on-Hudson shall be secured prior to the development of any such parking."

- (14) The following note:

"Except for Lot 35, none of the land comprising the Subject Property shall be involved in any future subdivision which would result in the creation of any additional building lots above and beyond those shown on this plat."

(15) The graphic Tree Legend shall be modified to the satisfaction of the Planning Board, so as to make it clear that the note at the bottom of the Tree Legend refers only to the three items immediately above the note.

- b. The street names shown on the Preliminary Subdivision Plat are the Applicant's proposals and are subject to approval by the Village Board of Trustees. The Applicant shall submit evidence to the Planning Board of the street names approved by the Village Board of Trustees and the Final Subdivision Plat shall reflect such approved names.
- c. The Applicant shall resolve to the satisfaction of the Planning Board the ownership and maintenance aspects of the open space and conservation easement areas shown on the Preliminary Subdivision Plat, which resolution of this matter shall ensure the continued maintenance of said areas as open space in perpetuity. Said common open areas shall be restricted to preservation in their natural state or maintained for the recreation purposes shown on the Preliminary Subdivision Plat only, and the Final Subdivision Plat shall indicate these restrictions. The use of the common open areas for active and passive recreation purposes shall be limited to residents of the Project

and their guests, except that access to the trails in the common open areas shall be open to the public. The resolution of this matter shall include the submission by the Applicant of the Homeowners Association documents, covenants and restrictions for the open space areas, and the easements for the conservation easement areas and public trails; these documents shall be such as to meet the satisfaction of the Planning Board and the Village Attorney.

Further, during the Final Subdivision Plat approval process, the Planning Board shall resolve to its satisfaction the issue of the reservation of parkland or the payment of a fee in lieu thereof in accordance with § 200-3 of the Village Code and §§ 7-730 and 7-738 of New York State Village Law, as appropriate.

- d. All easement areas, other than trail easements, shown on the Final Subdivision Plat shall bear metes and bounds. Further, the nature and purpose of all easement areas, including access and maintenance easements for the trails, shall be explained on the Final Subdivision Plat and said plat shall identify where all easement documents are filed.
- e. The Applicant is proposing that the roadways in the Project and certain of the utilities are to be offered in dedication to the Village. Therefore, the Final Subdivision Plat shall reflect these offers.
- f. As part of the Final Subdivision Plat application package, the Applicant shall submit an updated Erosion/Sediment Control Plan showing:

- (1) A base plan which matches the proposed Final Subdivision Plat.
 - (2) Approximate locations of soil stockpile, which should be located only in areas already proposed to be disturbed.
 - (3) A note indicating that an erosion control plan for each lot shall be submitted to the Village prior to any clearing or grading taking place on each lot.
- g. Revised drawings which show compliance with the Village's Steep Slopes Law (Chapter 195 of the Village Code) shall be submitted by the Applicant.
- h. As part of the Final Subdivision Plat application package, the Applicant shall submit an updated Utility Plan, an updated Erosion/Sediment Control Plan, an updated Profiles, Roads/Sewers/Drain drawing, and an updated Details, Standard/Special drawing which correspond to the Final Subdivision Plat.
2. The Final Subdivision Plat shall reflect the following conditions as required by the Water Control Commission in its resolution adopted on November 9, 1994:
 - a. The Building Limit Lines for Lot 24 shall be adjusted so as to fall outside of any regulated or controlled area as defined in the Wetlands and Watercourses Law (Chapter 227 of the Village Code).
 - b. The Applicant is permitted to fill the borrow pit on Lot 23 as defined on the plan dated October 4, 1994, subject to the following conditions:
 - (1) Clean fill shall be used and shall not contain construction or demolition debris, organic material or boulders. The fill must be approved in advance by the Village Engineer.

- (2) Filling is to be witnessed by the Village Engineer or his designated representative.
 - (3) Prior to regrading activities for Lots 23 and 24, an erosion control barrier consisting of silt fencing backed by haybales shall be constructed downslope of the area of the grading, at a location acceptable to the Village Engineer.
3. As a condition of Final Subdivision Plat Approval, no construction or preparation for construction, except for surveying and similar tests as may be required by a governmental agency that shall not disturb the land, shall take place on the Subject Property until such time as a qualified environmental professional and representative of the Village Engineer (an "Environmental Consultant") is retained and available to inspect such work, has approved Environmental Site Plans, has approved or possibly modified field staking, and has generally ensured and continues to ensure that the conditions set forth in the Final Subdivision Plat Approval are strictly implemented, which supervision shall include the authority to issue stop work orders. The construction of this project and the processing of this matter by the Environmental Consultant may take place on a lot-by-lot basis, and the sewer line within Lots 1 through 16 may be treated separately from the other work on these sixteen (16) lots. The Environmental Consultant shall be qualified by his/her education or training to assist, evaluate and implement the environmental standards and controls. The Village Board of Trustees shall appoint the Environmental Consultant prior to the endorsement of the Final Subdivision Plat upon nomination

by the Planning Board. In the event that the position of Environmental Consultant shall become vacant due to illness, business exigencies or due to dissatisfaction with his/her work, the Planning Board may nominate another candidate, who shall be appointed by the Village Engineer. Except as the provisions of the Environmental Compliance Law (Chapter 115 of the Village Code) may be specifically augmented by the provisions of the Resolution of Final Subdivision Plat Approval, such law as then currently in effect, including its fee provisions, shall apply to this Project.

4. Future homeowners in the Project who are applying for changes to the approved building envelopes shall be required to obtain an amendment of the subdivision plat in accordance with the procedures specified in the Village's Subdivision Regulations then in effect, except that the preliminary and final subdivision plats to be submitted to the Planning Board for modification need only show the particular lot to which the application applies.
5. The Applicant shall be responsible for the payment of all application review costs incurred by the Planning Board in the review of this Application for Preliminary Subdivision Plat Approval up to a limit of thirteen thousand and five hundred dollars (\$13,500). Such fees shall be paid by the Applicant within sixty (60) days of the written notification by the Planning Board or other Village official(s) that such fees are due. If such fees are not paid within this sixty (60) day period, and an extension therefor has not been granted by the Planning Board, the Applicant shall be provided with a written notice regarding the establishment of a twenty (20) day grace period after which this approval would automatically be rendered null and void if payment

in full is not received during such twenty (20) day period. Finally, if payment in full is not received within the twenty (20) day grace period, this approval shall automatically be rendered null and void. Review fees for the Application for Final Subdivision Plat Approval shall be established during that phase of the process.

6. As used herein, the defined term "Applicant" shall include his/its heirs, successors and assigns, and where applicable his/its contractors and employees.
7. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
8. In accordance with § 7-728.5(e) of New York State Village Law, the Applicant shall submit a Final Subdivision Plat within six (6) months of the date of the adoption of this Resolution, and if a Final Subdivision Plat is not submitted within this six (6) month period, this Preliminary Subdivision Plat Approval may be revoked by the Planning Board.

A motion to approve this resolution was made by David Brandt and seconded by Frances Allen.

Voting of the Planning Board

Norman Sheer, Esq., Chairman	Aye
Frances Allen	Aye
David Brandt	Aye
Marc Holzer	Absent
Robert Larsen	Aye

Resolution Adopted: November 22, 1994

Nov 22, 1994
Date

Norman Sheer, Esq., Chairman
Village of Croton-on-Hudson Planning Board

cc: Richard Bartzick
Jonas Bastys
Richard F. Herbek
Robert F. Davis, Esq.
Ralph George Mastromonaco, PE
Philip A. Tully, PE, CPCA
Water Control Commission
Frederick P. Clark Associates, Inc.

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