RESOLUTION

WHEREAS, the Planning Board reviewed a Minor Site Plan application on Tuesday, November 10 and 24, and December 8, 2015 for MAF Realty, hereafter known as "the Applicant," said property located at 74 Grand Street, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.08 Block 6 Lot 59; and

WHEREAS, the proposal is for a new single-family dwelling; and

WHEREAS, this proposal is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), therefore, no Negative Declaration is required.

WHEREAS, under section 120-4 of the Village Code the Planning Board is the approving authority for the issuance of an Excavation and Filling Permit and in accordance with section 120-3(C) of the Village Code, the approval of the Minor Site Plan incorporates the excavation and filling permit, subject to the conditions specified below.

WHEREAS, under section 208-16(C) of the Village Code the Planning Board is the approving authority for the issuance of a Tree Removal Permit and in accordance with section 208-16(F) of the Village Code the approval of the Minor Site Plan includes the approval to remove trees noted on the site plan to be removed, subject to the conditions specified below.

WHEREAS, under section 196-3(C) of the Village Code the Planning Board is the approving authority for the Stormwater Pollution Prevention Plan (SWPPP) and hereby approves the Stormwater Pollution Prevention Plan, subject to the conditions specified below.

WHEREAS, the proposed development plan proposes a land disturbance of 5,082 square feet, and whereas the amount of steep slopes being disturbed exceeds the thresholds in section 195-3A (50% of lot area) of the Village Code which requires a Steep Slope permit; and

NOW, THEREFORE BE IT RESOLVED, that the Minor Site Plan application as shown on Drawing A-201 entitled "Proposed Exterior Front Elevation", last revised December 7, 2015; Drawing #L-101 entitled "Proposed Landscape plan—lot #59", dated November 17, 2015; Drawing #SY-101 entitled "Proposed Plot Plan & General Notes/Specifications-Lot #59" last revised December 7, 2015 and Drawing #F-101 entitled "Proposed Foundation Plan & Typical Section-Lot #59 dated 10/21/2015, prepared by Ed Gemmola & Associates; "Project Report" prepared by Ciarcia Engineering, P.C., dated November 23, 2015; Sheet 1 entitled "Site Plan" last revised December 8, 2015, Sheet 3 entitled "Erosion and Sediment Control Plan" last revised December 4, 2015, and Sheet 4 entitled "Details" last revised December 4, 2015, and Sheet 5 entitled "Retaining Wall Details" last revised December 4, 2015; prepared by Ciarcia Engineering, P.C.; and Rendering of "Custom Colonial" by Westchester Modular Homes, Inc. and drawings by Westchester Modular Homes: "Elevation", "Foundation", "First Floor Plan", "Second Floor Plan", received on October 22, 2015; and "Exhibit A" which shows the neighboring houses photographed by the Village Engineer, dated October 22, 2015; and Survey of Property prepared by Terry Bergendorff Collins, dated August 4, 2015; be approved under Section 230-67 (B) of the Village Zoning Code subject to the following conditions:

1. That, the foregoing recitals are incorporated herein as if set forth at length.
2. That, an as-built survey shall be included with the application for a certificate of occupancy.
3. That, the plans submitted for the building permit application substantially comply with the architectural documents listed above.
4. That, the plans be revised in accordance with the Village Engineer's memorandum dated December 8, 2015 as follows:
    a. Provide details for driveway aprons.
    b. The plans should include notes for the sequence of construction.

c. It is recommended that the storm water system overflow lines for 74 and 78 Grand Street be installed in the same trench to minimize disturbance.
d. A cross lot easement is required to be granted over 74 Grand Street for the benefit of 78 Grand Street. The easement should be reviewed by the Village Attorney and Village Engineer and a copy of the filed easement shall be submitted to the Village Engineer prior to the issuance of a certificate of occupancy for 74 Grand Street or a building permit for 78 Grand Street.
e. Additional details and notes need to be provided on the plans for: storm water system pipes (material and diameters and minimum slopes), yard drains and grates, storm water system elevations, and storm water manhole and frame and cover to the satisfaction of the Village Engineer.
f. Street trees and others being saved need to be protected with fencing and possible truck protection details of both should be included on the plans.
g. Three (3) copies of the revised plans need to be submitted with the building permit application and all revisions are to be deemed satisfactory by the Village Engineer.

5. A cross lot easement is required to be granted over 74 Grand Street for the benefit of 78 Grand Street. The easement should be reviewed by the Village Attorney and Village Engineer and a copy of the filed easement shall be submitted to the Village Engineer prior to the issuance of a certificate of occupancy for 74 Grand Street or a building permit for 78 Grand Street.
6. That, the following conditions are established as part of the approval of the Stormwater Pollution Prevention Plan under Chapter 196 of the Village Code:
    a. That, a copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.
    b. That, no land disturbance work shall commence until the installation of the sediment and erosion control devices has been completed and found acceptable by the Village Engineer or his authorized agent.
    c. That, each contractor and subcontractor who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the stormwater pollution prevention plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards." Copies of these statements shall be delivered to the Village Engineer prior to the issuance of a building permit.
        i. That, the certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
        ii. That, the certification shall contain proof that each contractor who will be involved in a land development activity has obtained training and/or certification in proper erosion and sedimentation control practices. Such certification shall become part of the SWPPP for the land development activity and shall be retained on-site.

d. That, the applicable stormwater facility maintenance, inspection and repair requirements in section 196-9 of the Village Code be complied with, the stormwater infiltration chamber shall be inspected annually within 48 to 72 hours after a heavy rainfall (1" or more) to determine that the chambers have drained. If the chambers have not drained remedial action shall be taken to rebuild the storm water management system and restore the infiltrative capacity of the soil. An inspection port shall be provided.
e. That, deep and percolation tests be conducted in the area of the storm water infiltration chambers and that an engineer's report on the soil testing, and redesign if the percolation rate is greater than 10 minutes/inch, be submitted to and approved by the Village Engineer prior to installation of the chambers.
f. That, the applicant shall contact the Village Engineer at least 48 hours before any of the work inspections listed in section 196-10(A)(1) of the Village Code are required.
g. That, in accordance with section 196-10(C) an as-built plan of the stormwater management practices shall be submitted to the Village Engineer.
h. That, in accordance with section 196-10(F) the landowner shall grant to the Village the right to enter the property at reasonable times and in a reasonable manner for the inspection of the stormwater management facilities.
i. That, in accordance with section 196-11(A) of the Village Code the applicant shall file with the Village a suitable bond or other security, naming the Village as the beneficiary, to cover the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village in its approval of the stormwater pollution prevention plan. Said bond is to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.
j. That, the performance guarantee shall remain in force until the surety is released from liability by the Village, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) has been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village.

7. That, in accordance with sections 195-S(C) of the Village Code the following conditions are established as part of the Steep Slope Permit:
   a. The use of explosives shall be prohibited.
   b. Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods.
   c. The disturbance of existing vegetative ground cover shall not take place more than 15 days prior to commencing grading and construction.
   d. Temporary soil stabilization shall be applied to all areas of disturbance and all adjoining areas within 50 feet thereof within two days after establishing of the final grade, and permanent stabilization and revegetation shall be undertaken within 15 days thereafter. Upon good cause shown and based upon consideration of

the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.

e. Temporary soil stabilization shall be applied within two days after the disturbance is completed or when no additional disturbance is to be performed for a period of seven days. Upon good cause shown and based upon consideration of the slopes, soils and environmental sensitivity of the area involved, the Village Engineer may modify these specified time periods.

f. Topsoil that will be stripped from all areas of disturbance shall be stockpiled in a manner so as to minimize erosion and sedimentation, and shall be replaced on the site at the time of final grading.

g. Fill material shall be composed only of nonorganic material, including rock with a diameter that will allow for appropriate compaction and cover by topsoil.

h. Compaction of fill materials in fill areas shall be such that it ensures support of proposed structures and stabilization for intended uses.

i. That, in accordance with section 195-8C(4) of the Village Code the applicant shall file with the Village a suitable bond or other security to ensure the proper completion of the proposed activity in accordance with the approved plans, the restoration of the area to its natural condition as far as practicable and protection of adjoining property owners from damage resulting therefrom., said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.

j. That, a work plan/phasing plan be submitted to the Village Engineer for approval prior to the issuance of a building permit.

k. That, following completion of the work, the applicant shall submit a certification by a landscape architect, architect or professional engineer that the completed work meets the requirements of the steep slope permit. The Village Engineer will verify that the work has been completed in accordance with such permit. Submission of an as-built survey may be required by the approving authority or the Village Engineer.

l. That, the steep slope permit shall expire upon the completion of the work.

8. That, in accordance with sections 208-18 and 208-19 of the Village Code the following conditions are established for the approval to remove trees:

    a. That, landscaping, shown on approved plan, be installed prior to a certificate of occupancy being issued.

    b. That, if any of the trees noted on the plan to be saved are damaged during construction, the applicant will replace such trees with a tree of 2.5" minimum caliber with the species to be approved by the Village Engineer.

    c. That, the trees to remain shall be protected with tree trunk armor and/or root zone protection as shown on the site plans listed above or as required by the Village Engineer.

    d. That, in accordance with section 208-19(A) of the Village Code the applicant shall file with the Village a suitable bond or other security payable to the Village to cover the completion of conditions (a) through (c) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.

    e. That, tree removal operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through

Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.

f. That, any stumps remaining above grade shall be removed to less than two feet.

g. That, no tree removal shall occur unless a building permit has been issued by the Village Engineer.

h. That, within 30 days after the completion of all tree removals the Village Engineer shall be notified of such completion.

i. That, the approval to remove trees shall be valid for the term of minor site plan approval and shall terminate upon the issuance of a certificate of occupancy.

9. That, in accordance with sections 120-7 and 120-8 of the Village Code the following conditions are established for the approval of the excavation and fill work:

a. That, suitable fencing, with a minimum height of 48", be provided to guard any excavation greater than four feet in depth. All gates shall be locked at all times when work is not being performed on the property.

b. That, excavation and/or filling work shall not commence until a building permit has been issued and erosion and sediment control devices have been installed, inspected, and accepted by the Village Engineer in order to prevent potential impacts to stormwater drainage, water bodies and/or wetlands.

c. That, during construction all excavations shall be drained so that any standing water at the bottom not be greater than one foot.

d. That, any fill from off-site shall be clean, containing no garbage, refuse or deleterious matter, the Village Engineer shall inspect all fill from off-site sources and may require testing, by an approved laboratory, to determine the cleanliness of the fill.

e. That, appropriate dust-control measures shall be implemented on-site and on access roads and any traveled areas used in connection with any excavation and/or filling work to protect the public and surrounding area against windblown soil and dust.

f. That, removal of soil or other material from the ground and/or placement of fill on the ground shall not prevent or interfere with the orderly development of land in the vicinity, shall not unreasonably impede traffic flow, or parking.

g. That, to prevent the earth of adjoining property from caving in before permanent supports have been provided for the sides of such excavation, any person causing any excavation to be made shall provide such sheet piling, bracing or other methods as may be necessary, plans for which are to be submitted to and approved by the Village Engineer prior to any such excavation being undertaken.

h. That, provisions shall be made for the temporary drainage of the property during excavations or filling operations and for the permanent drainage to be effective upon the completion of the operations.

i. That, any excess soil from the excavation shall be removed from the site immediately but in no event more than 20 days from excavation.

j. That, all disturbed areas not hardsurfaced or mulched shall be covered with 3" of top soil, perennial rye grass and mulch, and be reseeded and remulched as necessary to achieve a minimum 85%

grass coverage or covered with other ground cover as shown on the approved landscaping plan.

k. That, the Village Engineer shall be notified by the next business day if bedrock is encountered in the excavation. If hammering is required, a rock excavation plan shall be submitted to the Village Engineer for review and approval and shall not include any blasting operations. The rock excavation plan shall provide for the shortest possible timeframe for the removal of bedrock with the goal that all bedrock removal operations be conducted in a two to three week period as approved by the Village Engineer. The Village Engineer may extend this period on a day by day basis due to weather events that would not allow reasonable working conditions. The rock excavation plan shall also include an analysis of leaving part of the basement a crawl space to reduce the quantity of bedrock required to be excavated.

l. That, in accordance with section 120-7 of the Village Code the applicant shall file with the Village a suitable bond or other security to cover the completion of conditions (a) through (k) above, said bond to be filed prior to the issuance of a building permit with amount and form of the bond to be approved by the Village.

m. That, excavation and/or filling operations shall not be permitted between the hours of 8:00 p.m. and 8:00 a.m. Sunday through Friday and between the hours of 8:00 p.m. and 10:00 a.m. Friday through Sunday.

n. That, there shall be no on-site processing of fill or excavated soil or the erection or use of any structure for such processing however, power equipment for the purpose of filling and excavation is permitted.

o. That, the Planning Board reserves the right to impose additional reasonable conditions related to the excavation and filling operations during the terms of this approval if in its opinion such additional reasonable conditions are necessary.

p. That, the approval for excavation and/or filling operations shall be valid for a period of one year starting on the date of issuance of the building permit and subject to termination or renewal as specified in section 120-10(A) of the Village Code.

q. That, any revision to the work covered by the approval of the excavation and or filling work shall be reviewed by the Village Engineer and if determined to be a substantial revision a submission of a new application to the Planning Board shall be required.

r. That, following the completion of the work the applicant shall submit a certification of completion by a NYS licensed design professional to the Village Engineer. The Village Engineer may require the submission of an as-built survey.

s. The approval for excavation and filling operations may be suspended or revoked and stop work orders issued as set forth in section 120-10(E)-(G) of the Village Code.

Unless a building permit is issued and work is commenced and diligently prosecuted within three years of the date of the resolution approving site plan, such site plan shall become null and void. Any application for an extension of site plan approval shall be made six months prior to the expiration date.

The Planning Board of the Village of Croton-on-Hudson, New York

Robert Luntz, Chairperson
Bruce Kauderer
Steven Krisky
Janet Mainiero
Rocco Mastronardi

Motion to approve by Ms. Mainiero, seconded by Mr. Krisky, and carried by a vote of 5 to 0.

Resolution accepted at the meeting held on Tuesday, December 8, 2015.