

BERKELEY ESTATES SUBDIVISION

FINAL PLAT AND PRE-CONSTRUCTION APPROVAL

WHEREAS, the East Greenbush Town Planning Board is in receipt of an application by Four Brothers, LLC. (the owner) and (the developer) for final plat and pre-construction approval under Section 276 of the Town Law for a residential subdivision entitled Berkely Estates Subdivision, for 33 single-family detached dwelling units consisting of 8 lots in the Town of East Greenbush; consisting of 30.94 +/- acres on Berkeley Boulevard off of Morner Road; and

WHEREAS, the Town Planning Board did conduct a public hearing on October 28, 2015 on said subdivision, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

WHEREAS, the Planning Board did submit the preliminary plat and the various supporting data, to the Town Project Review Team; and

WHEREAS, comments received by the Planning Board from the Project Review Team, related principally to engineering and site development details, and confirmed the Planning Board's view that the proposed subdivision of this site would be consistent with the Town's land use, zoning and service requirements. And through the subdivision review process at the Town and County levels result in lots that, if granted final approval, were in fact readily buildable; and

WHEREAS, the Planning Board did review a development proposal and conceptual master plan for this project consisting of 6 lots and determined, in accordance with Title 8 ECL and Part 617 NYCRR, that the intended action and the associated conceptual development plan shall not have environmental impacts of the project and has, therefore, issued a Negative Declaration on December 23, 2015; and

WHEREAS, mitigation measures, as appropriate to this subdivision proposal, have either been incorporated into the design of this subdivision and/ or the conditions of this resolution; and

WHEREAS, the Planning Board and the Project Review Team have received and reviewed the revised proposed preliminary plat dated February 7, 2007, and last revised on October 28, 2015 as prepared by Hershberg and Hershberg; and

WHEREAS, the applicant has filed the necessary application with the Planning Board and will pay to the Office of Town Clerk the applicable preliminary plat application fee and final plat application fee, with receipt therefore provided to the Planning Board by the Town Clerk; and

WHEREAS, the development project is located in both the Town of East Greenbush and North Greenbush, therefore requiring coordination of review and agreement of road and storm water operation and maintenance issues, and each Town's Department of Public Works has agreed to the terms and condition of road ownership and maintenance, namely each Town being responsible for roads and storm water facilities situated in each of the respective Towns; and

Whereas, the Planning Board for the Town of North Greenbush has reviewed the development proposal and has issued a Negative Declaration under SEQR and approved it on February 9, 2015, conditioned upon approval from the Planning Board for the Town of East Greenbush and Rensselaer County Health Department Approval; and

Whereas, five new residential lots will be within the Town of East Greenbush as shown on the plans. Three lots access the entry road known as Berkeley Boulevard. There are two other lots on Dylan Court (in the Town of North Greenbush) internally connected to Berkeley Boulevard. Two lots will be utilized for storm water management and the last lot has an existing house on it; and

Whereas, a new road will be constructed off Morner Road into Berkeley Estates known as Berkeley Boulevard. Approximately 875 feet will be in the Town of East Greenbush. The remainder of this road will extend into the subdivision in the Town of North Greenbush. Ownership and maintenance of this road will be the responsibility of the Town of East Greenbush. The road design has been modified in accordance with Town standards and the maximum grade will be 6%. At the Town line on Berkeley Blvd. a tee turn around will be constructed for use by East Greenbush snow plowing vehicles as their terminus point for winter road maintenance. The turnaround will be an easement on Lot 4; and

Whereas, the overall site has two storm water management areas to handle storm runoff from roads and lots. One is located in East Greenbush at the entrance to Berkeley Blvd. The facility and will be dedicated to the Town, whom will be responsible for future maintenance and operation; and

Whereas, all building lots will be served by on site wells and subsurface wastewater disposals systems. The plans show the proposed locations of wells and septic systems. The Rensselaer County Health Department will review, inspect, and approve both well and wastewater systems; and

Whereas, HV Labarba and Associates has reviewed the final plans for Berkeley Estates residential subdivision as prepared by Hershberg and Hershberg consulting engineers and surveyors dated February 7, 2007 and recently revised October 28, 2015 and can recommend to the Planning Board consideration of final approval subject to all conditions and requirements by the Town final plat approval; and

NOW, THEREFORE, BE IT RESOLVED that the East Greenbush Planning Board hereby grants final plat and pre-construction approval for the 8 lots in the Town of East Greenbush of the Four Brothers, LLC, prepared by Hershberg and Hershberg, dated February 7, 2007 and last revised October 28, 2015, and in strict compliance with each of the following conditions which must be satisfied by the applicant within 180 calendar days of this resolution, unless extended upon written request of the applicant by mutual consent for two (2) periods not to exceed ninety (90) days each:

1. That the applicant addressed all remaining technical comments of the Towns Designated Engineer.
2. That the Engineer designated as the Town Engineer, HV Labarba & Associates be authorized to perform review of the site on behalf of the Planning Board, the Town Board and the Department of Public Works during the course of the development and installation of public and/ or other required improvements, including the transmittal of a weekly report to said parties, with the charge for such services as well as all testing required of materials employed in the construction of said improvements, be borne fully by the applicant, either directly, in the case of testing, or through reimbursement to the Town, in the case of professional engineering services, as provided for with Article V, Section 1 of the Town's Land Subdivision Regulations.
3. That the applicant reimburses the Town for all costs and expenses associated with the review and evaluation of the plans and associated reports by the Planning Board's consultants.
4. That the final plat submission be in strict accordance with the requirements of Article VII, Section 4 of the Town's Land Subdivision Regulations, and that the requisite fees be paid in accordance with the fee schedule established by the Town Board.
5. That the Commissioner of Public Works and the Building Inspector sign off on the plans prior to the final plat approval.
6. Prior to signature on the final plat, all fees due are paid as required by the Town of East Greenbush in accordance with the GEIS fee schedule, a letter for which will be provided from the Building Inspector.

NOW, THEREFORE, BE IT ALSO RESOLVED that prior to issuance of onsite grading permit and/or building permit the following conditions must be satisfied by the applicant.

7. That the subdivision plans be reviewed and approved by the Rensselaer County Health Department in accordance with applicable provisions of the Public Health Law, and such documentation submitted to the Town for their records.
8. That the subdivision plans be reviewed and approved by the NYSDEC in accordance with Uniform Procedures Act and such documentation submitted to the Town of their records.
9. An escrow account will be established and funded by the developer, prior to the commencement of any site work or permit issuance to cover the expenses associated with the Town's Designated Engineer's full time inspection of improvements to be dedicated to the Town.
10. That for each building lot, a detailed plot plan; grading plan an utility service plan shall be submitted and approved by the Commissioner of Public Works and the Building Inspector prior to the issuance of a Building Permit for that building lot.
11. That the applicant, at the discretion of the Commissioner of Public Works, shall provide a Cash Road Bond in accordance with the Town of East Greenbush Street Ordinance. Such bond, if required by the Commissioner of Public Works, shall be in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said Cash Bond will be released upon the completion of roadway and related infrastructure, up to and including the binder course of pavement, to the satisfaction of the Commissioner of Public Works; and frames, grates and covers of all utilities within the pavement shall be set flush at binder surface.
12. That the developer shall provide a Cash Bond for top course of pavement in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney. Said Cash Bond will be released upon the completion of roadway, which must be completed within two years of placing binder for dedication to the Town.
13. All storm water pollution prevention permits will be obtained prior to site work and regularly schedule required inspections will be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002 and the approved Storm Water Pollution Prevention Plan.

NOW, THEREFORE, BE IT RESOLVED that prior to issuance of a Certificate of Occupancy for any unit the following conditions must be satisfied by the developer:

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14. That prior to the start of construction, the applicant prepare suitable offers of cession for all improvements and interest in all land areas within Public Rights-of-Way to be dedicated to the Town of East Greenbush, including, but not limited to roadways, drainage ways and easements, and that all such offers of cession shall be submitted to the Planning Board and the Town Attorney, who shall review the same and confirm to the Planning Board their sufficiency for the purpose intended, which determination shall not commit the Town Board in any way to acceptance of the improvements, once installed.
15. That all public and/ or required improvements within the Development as shown on the preliminary plat be completed by the applicant and be approved in writing by both the Planning Board's designated consulting engineer and the Town's Commissioner of Public Works.
16. That all street signs and regulatory signs shall be furnished and installed.
17. That the applicant provide and install a black vinyl clad chain link fence acceptable to the Commissioner of Public Works around the perimeter of the storm water detention area, and a landscaping plan shall be submitted to the Town for approval for evergreen shrubs and trees to be placed in the right away along the frontage of the storm water management facilities; and
18. That an as-built plan be submitted to the Town for review/approval. This plan shall show an accurate and complete record and description of the final "as-built" conditions of improvements to be dedicated to the Town; and
19. That deed restrictions are placed on those lots which contain wetlands, if applicable.
20. A stabilized and maintained construction entrance will be installed at the Morner Road entrance for construction traffic; and

In effect, this final plat and pre-construction approval by the Planning Board authorizes the applicant to initiate necessary site work and the installation of public and/ or other required improvements with the rights-of-way, easements and drainage ways and other public improvements, as needed. The installation of such public improvements shall be subject to: (1) the Planning Board's final review and approval of engineering and construction details; (2) the conduct of a project initiation conference, including the applicant, the applicant's consultant engineer, appropriate contractors, the Planning Board's designated engineer and the Town's Commissioner of Public Works, Building Inspector and Director of Planning; and (3) a detailed itemized cost estimate and construction schedule for construction of all improvements for the project shall be provided to the Planning Board's designated engineer, which estimate and schedule shall be provided by and satisfactory to the Planning Board's designated engineer, and a copy of which shall be transmitted concurrently to the Planning Board Office and the Commissioner of Public Works.

This approval shall be required as limited in its authorization in that no sale of a lot or an offer of sale within the intended subdivision may be undertaken until the stamping of the plans by the Planning Board's designated representative. Subsequent filing of the approved final plat in the Office of the Rensselaer County Clerk must occur within 60 days of the final plan approval/signature.

FURTHERMORE, the Planning Board advises that all work undertaken and all expenses incurred by the applicant, pursuant to this resolution, are at the risk of the applicant. It is the applicant's exclusive responsibility to insure that all conditions and requirements are met in a timely manner prescribed within the Town's Land Subdivision Regulations and referenced earlier in this resolution. Failure of the applicant to meet this timetable shall result, without the requirements of any further action by the Planning Board, in the expiration of this final plat approval and the requirement that a new application, with associated application fees, be filed with the Planning Board should it still be the applicant's desire at that time to pursue approval of the subdivision.

RESOLUTION APPROVED BY THE EAST GREENBUSH PLANNING BOARD

ON _____, 2015

MATT MASTIN, ACTING CHARIMAN