RESOLUTION APPROVING, WITH CONDITIONS, AN AMENDED SITE PLAN APPLICATION BY MARIA REGINA HIGH SCHOOL, FOR PROPERTY LOCATED AT 500 WEST HARTSDALE AVENUE (P.O. HARTSDALE)

WHEREAS, on August 8, 2018, the Town Board of the Town of Greenburgh (the “Town Board”) received an application for amended site plan approval and related applications from Maria Regina High School (the “Applicant”) for a project consisting of the conversion and expansion of an existing grass athletic field (synthetic turf) into a soccer field with perimeter running track, construction of new tennis courts, and re-configuration of an existing parking area, and related improvements; and

WHEREAS, the site is located at 500 West Hartsdale Avenue, P.O. Hartsdale, in the R-20 One-Family Residence District, is approximately 923,908 sq. ft. (21.21 acres), and is designated on the tax assessment map of the Town of Greenburgh as Parcel ID: 8.130-82-1; and

WHEREAS, the project requires the following Land-Use Board approvals: amended site plan (Town Board approval – referral to Planning Board), Planning Board Steep Slope Permit, and Area Variances (Zoning Board of Appeals); and

WHEREAS, the Application contains a Short Environmental Assessment Form together with supplemental information (the “EAF”) prepared by the Applicant’s Engineer (Valerie Reidy, Barton & Loguidice), dated August 2, 2018; and

WHEREAS, the Town Board conducted a coordinated SEQRA review (Planning Board – Involved Agency, Westchester County – Interested Agency, New York State Department of Transportation – Interested Agency) and analysis of the entire record, studying and documenting the potential environmental impacts associated with the proposed action, and on February 27, 2019, in connection with adopted Resolution CD-3 – 02/27/19, made a Negative Declaration with respect to SEQRA;

WHEREAS, pursuant to Section 285-53A of the Zoning Ordinance, the Town Board shall be the approving agency where a site plan application, and all amendments to, and modifications thereof, concern property which is five (5) acres or more in area; and

WHEREAS, Section 285-58D(3) of the Zoning Ordinance requires that the Town Board refer the amended site plan application to the Planning Board for a recommendation before a public hearing is held on the application by the Town Board; and

WHEREAS, on September 26, 2018, the Town Board adopted Resolution CD-1 – 09/26/18, (1) declaring its intent to act as Lead Agency for the SEQRA review of the Amended Site Plan application and all related actions; and (2) referred the Amended Site Plan application to the Planning Board for review and recommendation; and

WHEREAS, on November 7, 2018 and February 6, 2019, the Applicant appeared before the Planning Board at regularly scheduled work sessions and presented the proposed project; and

WHEREAS, on December 1, 2018, the Planning Board, held a noticed site walk.
WHEREAS, on December 5, 2018 and January 16, 2019, the Planning Board held a duly noticed public discussion; and

WHEREAS, on February 6, 2019, the Planning Board, at its regularly scheduled work session, unanimously voted to make a positive recommendation for the amended site plan application; and

WHEREAS, on February 13, 2019, the Town Board held a duly noticed public hearing on the amended site plan application, and heard all persons interested in the subject thereof who appeared at such time and place, concerning the same; and

WHEREAS, the Town Board carefully reviewed and thoroughly considered the application, the Planning Board recommendation, and all comments of Town professional staff, and the Applicant;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Greenburgh hereby approves, with conditions, the application as depicted in the amended site plan drawings listed below; and

BE IT FURTHER RESOLVED, that this approval is subject to compliance with all of the following conditions:

1. GENERAL REQUIREMENTS
   1.1. That all improvements in streets and public places and depicted on such plans, including grading and paving where required, and that street names, traffic signs, street lighting, curbs, gutters, suitable monuments, water mains, storm drains, sanitary facilities, trees and public facilities and places shall be installed in accordance with the latest standards and specifications and procedures in force and acceptable to the appropriate Town Departments at the time of approval and further in accordance with any new standards and specifications in force at the time work is started and in accordance with the approved plan. To the extent required, any public improvements shall be dedicated to the appropriate municipality and all requirements for such dedication shall be complied with.

2. SPECIAL REQUIREMENTS AND MODIFICATIONS
   2.1. The site plan approval shall be valid for a period of twenty-four (24) months (February 27, 2021) from the date of such approval (February 27, 2019) unless a longer period of time is granted by the approving agency for cause shown. If there is no substantial change in the condition of the site and/or environs, site plan approval may be extended by the approving agency for cause shown.

   2.2. The Applicant must adhere to all requirements of the Town Engineer before and/or during construction.

   2.3. Prior to any land disturbance/tree cutting/construction or other work performed on the site, the Applicant must attend a pre-construction meeting with Town Staff (including the Town Forestry Officer, Building Inspector, Town Engineer and Town Planner) to discuss the conditions set forth in this permit.

   2.4. The Applicant must obtain all necessary approvals and file same with the Building Department.

   2.5. All proposed exterior lighting must be downcast and constructed and/or retrofitted in accordance with Chapter 240 Sign and Illumination Law. The applicant must install LED and motion activated lighting in connection all new lighting. No lighting may be installed in connection with track and field, and tennis courts, for the purposes of facilitating night play.

   2.6. The contractor must separate and recycle all construction debris prior to disposal at the appropriate facilities.

   2.7. The Applicant shall be responsible for the proper removal, disposal, or abandonment, where applicable, of any existing subsurface structures (i.e. oil tanks, fields, etc.), their contents and any remedial measures that may be required. The Applicant must obtain any necessary approvals from the New York State
Department of Environmental Conservation (NYSDEC) and/or Westchester County Department of Health, and/or other applicable agencies.

2.8. The construction, installation and use of the track is conditioned upon no track meets taking place on the premises, and that the track be used for training purposes only.

3. IMPROVEMENT PLAN

3.1. All improvements shall conform to the plan entitled, “General Site Notes and Legends,” sheet L1.0, dated 07/30/18, last revised 1/04/19, and prepared by Donald H. Fletcher, P.E., NYS Lic. No. 075248, and those listed in Section 13 of this approval.

4. GRADING PLAN

4.1. All grading shall conform to the plan entitled “Site Grading and Drainage Plan,” Sheet L1.4, dated 07/30/18, last revised 1/04/19, and prepared by Donald H. Fletcher, P.E., NYS Lic. No. 075248, and those listed in Section 13 of this approval.

4.2. The soil generated by excavation operations needs to be properly stockpiled in accordance with the Blue Book (“Erosion and Sediment Control Plan for Small Homesite Construction”). Stockpiled soil during construction should be managed in accordance with the Blue Book, based on figures therein that reflects conditions on the site. This should involve silt fencing properly placed completely around the stockpile. As necessary, consideration should be given to an impermeable tarp to cover the stockpile. After grading and backfilling is complete, the Applicant has two (2) days to remove excess soil from the site.

5. DRAINAGE

5.1. Drainage facilities shall be in accordance with Town of Greenburgh Department of Public Works directive both for temporary work during construction and for permanent installation. Prior to the commencement of any site work, the Applicant must demonstrate, to the satisfaction of the Town Engineer, that adequate drainage improvements will be made to insure on site accommodation of any increased run-off. The implementation and installation of such improvements shall be subject to the approval of the Town Engineer. All drainage improvements shall conform to the plans listed in Section 12 of this approval.

6. UTILITIES

6.1. All utilities and utility service lines must be shown on the plan. The type and location shall be subject to the approval of the Bureau of Engineering and the Commissioner, Department of Community Development and Conservation. All utility and utility services lines must be installed as shown on the plans listed in Section 12 of this approval.

7. EASEMENTS

7.1. All existing and proposed easements must be shown on the plan. Easements for public improvements shall be subject to the approval of the Bureau of Engineering, the Commissioner, Department of Community Development and Conservation, and the Town Attorney.

8. TREE PROTECTION, TREE REMOVAL AND LANDSCAPING

8.1. Trees and other landscaping on the site shall be preserved, removed and planted in conformance with the Tree Ordinance of the Town of Greenburgh, the plans entitled “Site Removals and Erosion & Sediment Control Plan,” Sheet L1.2, dated 07/30/18, last revised 1/04/19, prepared by Donald H. Fletcher, P.E., NYS Lic. No. 075248, and those listed in Section 13 of this approval. The applicant must obtain a Tree Removal Permit from the Town Forestry Officer prior to the commencement of any tree removal activities, and, once issued, will be subject to the following conditions:

8.2. No tree removal activities shall commence until a pre-construction meeting is held with Town staff and a physical tree removal permit is issued by the Town Forestry Officer.

8.3. Pursuant to Section 260-4D(4) of the Code of the Town of Greenburgh, due to the extensive tree cutting and removal associated with this project, the Town Forestry Officer will require the applicant or its successor in interest to pay for an inspector to be assigned by the Town Forestry Officer, to periodically inspect and
oversee tree removal activities and to ensure the protection of trees scheduled for preservation.

8.4. The applicant has clearly identified the trees to be removed on the approved plan. All such trees approved for removal must be tagged with orange ribbon or approved equivalent, and the Town Forestry Officer (or designee) must inspect such trees at the project site prior to the commencement of any site work.

8.5. The Applicant (or successor) must install orange construction fencing along the limits of disturbance/clearing prior to tree removal. The Town Forestry Officer will verify installation of the fencing and inspect the trees approved for removal at the Project site prior to the commencement of any site work. The Applicant (or successor) must mark the trees near the limits of disturbance/clearing fencing under supervision of the Town Forestry Officer or designee. Trees to remain and be protected must be flagged with yellow caution tape or approved equivalent. The Town Forestry Officer or designee will verify installation of these demarcations prior to commencement of any site work.

8.6. The Applicant (or successor) will establish a tree protection zone (TPZ) around each tree to be preserved within the limits of disturbance and 30-feet beyond the limits of disturbance. This TPZ must be maintained by installation of a chain link fence or approved equivalent. The fence must be in place before any site work begins and must remain in place until all site work is complete. The Applicant (or successor) will be allowed to remove all approved trees within the TPZ, under the authority of the Town Forestry Officer, before the fence is installed.

8.7. Where there is to be excavation within a tree's root area but outside the TPZ, the roots must be cleanly cut with a trencher or other device inside the final excavation line. Where there is to be unavoidable excavation within a tree's root area and inside the optimum TPZ, the TPZ will need to be reduced and the roots should be cleanly cut with a trencher or other device inside the final excavation line. Roots to be cut must be under the supervision and inspection by the Town Forestry Officer. The TPZ fence should then be installed outside the root pruning line. Under no circumstances should roots be ripped by an excavator in the course of excavation. No trenching for irrigation or site lighting will be allowed in the TPZ without written approval from the appropriate Town official.

8.8. Work outside the TPZ should be conducted so as to avoid damage to the trees by either construction vehicles, or excavation, or grading. No concrete trucks or other equipment should be washed out where the contaminated water will run onto tree root systems inside or outside the TPZ. No fuels, lubricants, coolants, hydraulic fluids, etc. must be discharged on any part of the site.

8.9. Landscaping shall be installed in conformance with the plans listed in Section 1 of this approval.

8.10. All trees and shrubs and other plant material shall be typical of their species and variety; have normal growth habits; well-developed branches, be densely foliated, vigorous root systems and be free from defects and injuries. Quality of planting material, spread of roots, and size of root balls shall be in accordance with ANSI Z-60 (or most recent version) ‘American Standard for Nursery Stock’ as published by the American Nursery and Landscape Association, Inc.

8.11. All plant identification tags shall remain attached to plant material until an inspection is conducted by the Town Forestry Officer. All plant material should be planted on the day of delivery. In the event this is not possible, the Town Forestry Officer shall be notified, and the contractor shall protect all stock not planted. Plant material should not remain unplanted for longer than a three-day period after delivery. Any trees, shrubs or grasses not planted within this period may be rejected.

8.12. All trees and shrubs shall be installed as per the details provided on the plan entitled, “Site Landscaping Plan,” Sheet L1.3A, dated 07/30/18, last revised 1/04/19, and “Site Plans – 2 – Proposed Tennis Courts,” Sheet L1.5, dated 07/30/18, last revised 1/04/19, and prepared by Donald H. Fletcher, P.E., NYS Lic. No. 075248, and those listed in Section 13 of this approval.
8.13. Following installation of all plant material as per the approved plans, which will be subject to an inspection by the Town or its designee, a maintenance and monitoring period of five (5) years will take effect. During the five (5) year maintenance and monitoring period, a once annual inspection will be conducted by an applicant representative, along with a representative of the Town, to confirm that the plant material has achieved a minimum 90% survival rate. Dead or unhealthy plantings must be replaced as necessary to ensure compliance with the 90% survival rate.

8.14. No trees or shrubs shall be pruned at the time of planting unless deemed appropriate by the Town Forestry Officer.

8.15. All tree stakes must be removed within twelve (12) months of installation.

8.16. All plant material shall be properly watered during the first year of establishment, at a minimum.

8.17. Landscaping carried out after removal of the TPZ fencing must avoid damage to tree roots from planting holes, equipment traffic, re-grading or other activities. The Applicant (or successor) must install a water bag or similar device to water newly planted trees, which must be maintained for the first year of establishment, at a minimum. All water bags must be removed for the winter season.

8.18. No final certificate of occupancy shall be issued by the Building Inspector until the Commissioner, Department of Community Development and Conservation, has ensured that all landscaping on the site corresponds with the plans listed in Section 1 of this approval. If planting is to occur between October 31 and April 1, the permit holder may obtain a temporary certificate of occupancy, and all planting and restoration work must be completed to the satisfaction of the Commissioner, Department of Community Development and Conservation on or before the first day of the following May. Should the permit holder fail to complete the restoration work on or before May 1 next following the execution of the agreement, the Commissioner, Department of Community Development and Conservation shall have the right to declare the performance bond in default and apply the escrow cash deposit and the proceeds of the bond to restore the land.

8.19. If planting is to occur between October 31 and April 1, the permit holder may obtain a temporary certificate of occupancy, and all planting and restoration work must be completed to the satisfaction of the Commissioner, Department of Community Development and Conservation on or before the first day of the following May. Should the permit holder fail to complete the restoration work on or before May 1 next following the execution of the agreement, the Commissioner, Department of Community Development and Conservation must have the right to declare the performance bond in default and apply the escrow cash deposit and the proceeds of the bond to restore the land.

8.20. All trees and shrubs shall be maintained in good condition and be replaced as necessary for the duration of the existing business. All newly planted landscaping which fail to survive shall be replaced by the permit holder at no expense to the Town. If the permit holder fails to do so voluntarily, said replacement shall be within 15 days following written demand for such replacement from the Town Forestry Officer or within an extended period of time as may be specified.

9. BLASTING AND CHIPPING OF ROCK

9.1. If the Applicant intends to remove rock by means other than blasting, a High Resolution Seismic Refraction Survey must be performed. A geotechnical engineer shall interpret the results of the survey and will determine whether or not all of the rock can be removed by means other than blasting. The geotechnical engineer will submit a report on the site to the Building Department. If the report reveals that all of the rock cannot be removed by means other than blasting, and then no removal of overburden shall take place with the exception of tree stumps, top soil or materials rendered inconsequential by the blaster.

9.2. The Applicant shall be limited to the hours of 8:30 AM to 3:00 PM, Monday through Friday and 9:00 AM to 3:00 PM on Saturday, for all rock chipping. The Applicant shall install seismic graphs on the property that are to be monitored once an hour by a geotechnical engineer to ensure that vibrations from the site do not cause damage to adjacent houses of the property. The number of seismic graphs shall be determined by the
geotechnical engineer and agreed to by the Building Inspector, Bureau of Engineering and Commissioner, Department of Community Development and Conservation. The geotechnical engineer shall submit a daily report of the seismic graph readings to the Building Inspector.

9.3. No blasting shall occur on the site unless a written permit has first been obtained from the Town of Greenburgh Building Inspector. Any blasting on the site shall be in conformance with the Town Blasting Ordinance.

10. INSPECTION FEE
10.1. The Applicant will be required to provide a construction cost estimate to the Town of Greenburgh for all public improvements for the project (which includes stormwater control, sewer and water connections). When the estimate is approved, the Applicant will be required to provide a three (3) percent inspection fee to the Town, in addition to required bonds.

11. PERFORMANCE BOND, CASH BOND OR LETTER OF CREDIT
11.1. The performance, letters of credit, and/or cash bonds shall be posted in the form and in the amounts determined by the Bureau of Engineering and Town Attorney. Conditions are to be met within three (3) years of site plan approval unless the Planning Board grants any extension of this time limit. If all conditions are not completed within the time limit, (or within an extension, if granted) no further building permit or Certificate of Occupancy will be issued until the improvements are completed and dedicated.

12. RESERVATION OF RIGHTS
12.1. The Town of Greenburgh reserves the right to withhold the issuance of any building permit or Certification of Occupancy upon failure of the Applicant to comply with any requirements of this decision. Any violation of § 285-62 is subject to the same penalties as set forth in § 285-47 of the Town Code.

13. AMENDED SITE PLAN IMPROVEMENT DRAWINGS

A)  a. Entitled: General Site Notes and Legends
    b. Dated: 01/04/19
    c. Last Revised: 01/04/19
    d. Date Stamped Received: 01/04/19
    e. Prepared by: Donald H. Fletcher, P.E., NYS Lic. No. 075248
    f. Page number: L1.0

B)  a. Entitled: Site Removals and Erosion & Sediment Control Plan
    b. Dated: 01/04/19
    c. Last Revised: 01/04/19
    d. Date Stamped Received: 01/04/19
    e. Prepared by: Donald H. Fletcher, P.E., NYS Lic. No. 075248
    f. Page number: L1.2

C)  a. Entitled: Site Layout and Materials Plan
    b. Dated: 01/04/19
    c. Last Revised: 01/04/19
    d. Date Stamped Received: 01/04/19
    e. Prepared by: Donald H. Fletcher, P.E., NYS Lic. No. 075248
    f. Page number: L1.3

D)  a. Entitled: Site Landscaping Plan
    b. Dated: 01/04/19
    c. Last Revised: 01/04/19
E) a. Entitled: Site Grading and Drainage Plan
b. Dated: 01/04/19
c. Last Revised: 01/04/19
d. Date Stamped Received: 01/04/19
e. Prepared by: Donald H. Fletcher, P.E., NYS Lic. No. 075248
f. Page number: L1.4

F) a. Entitled: Site Plans – 2- Proposed Tennis Courts
b. Dated: 01/04/19
c. Last Revised: 01/04/19
d. Date Stamped Received: 01/04/19
e. Prepared by: Donald H. Fletcher, P.E., NYS Lic. No. 075248
f. Page number: L1.5

G) a. Entitled: Site Plan
b. Dated: 01/04/19
c. Last Revised: 01/04/19
d. Date Stamped Received: 01/04/19
e. Prepared by: Donald H. Fletcher, P.E., NYS Lic. No. 075248
f. Page number: P1.0