



Chappaqua Central School District

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CHAPPAQUA CENTRAL SCHOOL DISTRICT

REQUEST FOR PROPOSAL

CCSD RFP # 2020-5

SURVEY SERVICES

February 2020

Chappaqua Central School District

REQUEST FOR PROPOSAL **CCSD RFP # 2020-5: SURVEY SERVICES**

The Board of Education of the Chappaqua Central School District Hereby Invites the Submission of Proposals for the Following Projects related to the subdivision of the Zauderer Property:

SCOPE

Vendor is responsible for the #s' listed at the end of this document.
15, # 22 and # 49

Sealed envelope proposal must be marked **"CCSD RFP # 2020-5: Survey Services"** and **must include the name and address of the submitting firm**. Proposals will be received until **2:00pm on March 6th, 2020** at the Chappaqua Central School District, 66 Roaring Brook Road, Chappaqua, NY 10514.

Proposal Requirements are as follows:

1. Documentation demonstrating firm's financial stability and experience in the field.
2. Two paper copies or one electronic copy. One copy should be marked, "ORIGINAL" and the other should be marked, "COPY," and should be submitted in a format that permits multiple copying for review by the District.
3. Each page of the proposal must state:
 - Name of the firm or individual submitting the proposal.
 - Proposal is for the Chappaqua Central School District.
 - Page number.
4. Executed Non-Collusive Certification (enclosed).
5. References.

Sealed proposal envelope must be sent to **Chappaqua Central School District, Attn.: Michael Trnik, Purchasing Agent, 66 Roaring Brook Road, Chappaqua, NY 10514.**



Chappaqua Central School District

If you have any questions concerning this RFP, please call Mike Trnik at 914-238-7200, Ext. 1013 or e-mail mitrnik@ccsd.ws.

The Board of Education reserves the right to consider qualifications, experience, and reputation in the solar installation field, as well as the specific qualifications of a submitting firm set out herein, in considering proposals and awarding the contract. The Board of Education reserves all rights and may reject any or all proposals as it may deem appropriate to do so.

**BOARD OF EDUCATION:
CHAPPAQUA CENTRAL SCHOOL DISTRICT**



Chappaqua Central School District

CCSD RFP # 2020-5: SURVEY SERVICES

NON-COLLUSIVE CERTIFICATION

FIRM NAME _____

BUSINESS ADDRESS _____

TELEPHONE NUMBER _____ DATE OF PROPOSAL _____

Non-Collusive Certification

By submission of this proposal, the vendor certifies that it is complying with Section 103-d of the General Municipal Law as follows:

1. Statement of non-collusion in bids and proposals to political subdivision of the state. Every bid or proposal hereafter made to a political subdivision of the state or any public department, agency or official thereof where competitive bidding is required by statute, rule, regulation, or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: Non-collusive bidding certification.

“(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor; and
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly discussed by the bidder and will not knowingly



Chappaqua Central School District

be disclosed by the bidder prior to opening directly or indirectly, to any other bidder or to any competitor;

- (3) No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.”

“(b) A bid shall not be considered for award nor shall award be made where (a) (1), (2) and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a) (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being bid, does not constitute, without more a disclosure within the meaning of subparagraph one (a).

2. Any bid hereafter made to any political subdivision of the state of any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the



Chappaqua Central School District

bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.”

Authorized Signature_____

Title_____



of a steep slope permit, tree removal permit, and stormwater pollution prevention plan, as described herein, are hereby conditionally approved, and the Chairman is authorized to sign the plat outside a regular meeting, subject to compliance with the following conditions and modifications:

1. All references to "the Applicant" shall include the Applicant's successors and assigns.

2. All conditions of this resolution shall be satisfied prior to the Planning Board taking action on the application for final subdivision plat approval, unless otherwise specified.

3. The preparation and submission to the New Castle Planning Board of a plat in final form within six (6) months of the filing date of this resolution granting conditional preliminary subdivision plat approval (on or about September 6, 2019), which shall be accompanied by the items of information enumerated in Section 113-13 (B) of the Town of New Castle Subdivision Regulations. An extension of that time period may be granted by the Planning Board provided that the Applicant makes application to the Planning Board not less than thirty (30) days prior to the expiration of the original approval. A request for an extension of time to submit a final plat must include information regarding the date that the Planning Board granted preliminary and/or final subdivision approval and a statement as to whether any prior application for an extension of time has been made by the Applicant and the action taken by the Planning Board on such application.

4. The building coverage worksheet for Lot 1 shall be revised and resubmitted to correct the math error. This change should also be reflected on the Zoning Compliance Plan.

5. The building coverage for Lots 1 through 6 inclusive shall not exceed 110 percent of the figure identified in the Coverage Calculations Worksheet for each lot submitted by the Applicant and dated May 30, 2018 as amended as per Condition 4 herein, unless approved by the Planning Board. The development coverage for Lots 1 through 6 inclusive shall not exceed 115 percent of the figure identified for each lot in the final Coverage Calculations Worksheet submitted by the Applicant and dated May 30, 2018 as amended per Condition 4 herein, unless approved by the Planning Board.

6. With the exception of the improvements shown on the approved integrated plot plan, no construction or other land disturbance shall take place within any Town-regulated wetland area or surrounding regulated buffer area, Town-regulated steep slope area or area affecting Town-regulated trees. The construction activities authorized pursuant to this Resolution shall not commence until after the granting of final subdivision plat approval.

7. Disturbance to Town-regulated steep slope areas and areas affecting Town-regulated trees shall not exceed that which is depicted on the integrated plot plan that was used as the basis for the granting of preliminary subdivision plat approval. The construction activities authorized under the approved steep slope permit and tree removal permit shall not commence until after the granting of final subdivision plat approval.

8. Prior to the issuance of a Building Permit for Lot 6, the Applicant shall apply to the Westchester County Department of Health (WCDOH) for a waiver from the requirement to construct the SSDA expansion area at the time of initial site development. Documentation confirming that application for such waiver has been submitted to the County shall be submitted to the Town Engineer. If fill is not required for such expansion area, the expansion area shall not be cleared of existing vegetation until such time that it is needed. Removal of trees in the SSDA

expansion area shall not be permitted unless the WCDOH declines to approve the fill waiver or, in the alternative, determines that construction of such expansion area is necessary for the satisfactory operation of the septic system.

9. The Applicant shall complete all tree removal work authorized and/or required by this resolution no later than one (1) year from the date of the filing of the resolution of Final Subdivision Plat Approval. The approval authority may grant an extension to this one (1)-year period, provided that an application for such extension is submitted at least twenty (20) days before the expiration of the tree removal permit.
10. The Applicant shall obtain a steep slope work permit and complete all work authorized and/or required by this Resolution no later than three (3) years from the date of filing of the resolution of Final Subdivision Plat Approval. The Planning Board may grant one (1) six (6) month extension to this three (3) year period, provided an application for an extension is submitted at least sixty (60) days before the expiration of the steep slope permit.
11. The Applicant shall comply with all applicable provisions of Chapter 108A of the New Castle Town Code at all times.
12. Adherence to NYSDEC and USFWS protocols for tree removals regarding the Indiana Bat and the Northern Long-eared Bat. The Applicant will be required to either conduct a Phase I Absence and Presence Survey and implement any NYSDEC or USFWS required conditions or agree to restrict project-related clearing of trees to occur only between Oct. 1st and Mar. 31st, which is the recommended best management practice by both USFWS and NYSDEC for minimizing any changes to habitat when bat species may be active within the area.

Conditions to be satisfied prior to the Planning Board taking action on the application for Final Subdivision Plat approval:

13. The Applicant shall submit proof to the Planning Board that the required Stormwater Pollution Prevention Plan (SWPPP) has been approved by the New York City Department of Environmental Protection (NYCDEP). In the event that approval of the SWPPP is required and is contingent upon modifications to the integrated plot plan used as the basis for the granting of preliminary subdivision plat approval by the Planning Board, the Applicant shall include such revisions in its application for Final Subdivision Plat approval. At that time, the Planning Board shall determine whether the holding of a public hearing on the application for final subdivision plat approval is required.
14. The Applicant shall submit one (1) set of full size plans of the SWPPP and stormwater report as approved by the NYCDEP to the Town Engineer.

Conditions to be satisfied prior to the Planning Board Chairman's signing of the Final linen and Integrated Plot Plan:

15. Revision of the subdivision plat, in form acceptable to the Town Engineer, to reflect the following:
 - a. Depict the metes and bounds required for the proposed sight easements, as well as for the proposed water main easement which connects into the existing water main located at the intersection of Pondfield Drive South and Sabina Road.
 - b. Depict the existing drainage easement which runs over and across the properties of Section 81.12, Block 1, Lots 9 & 10 and associated as-built of existing 24-inch CMP, which commences at existing catch basin (Rim

Elevation = 499.98") which discharges at the northerly side of Section 81.12, Block 1, Lot 10 and into an existing stream.

- c. Indicate the right-of-way limits, located at the intersection of Garey Drive and Button Hook Road, which should correspond to that as shown on the subdivision map entitled "Section No. 2 Map of Valley Ridge Estates in the Town of New Castle, Westchester County, New York," as filed June 25, 1958 as R.O. Map No. 11523, and be confirmed by TC Merritts Land Surveyors.
- d. Indicate the proposed roadway name on the Subdivision Plat. The roadway name must be approved by the Planning Board.
- e. Indicate the lot area of each respective lot (Lots 1 through 6) on the table entitled "Septic Design Data".
- f. Indicate all open areas, regarding lots 1 through 6, as "Protected Buffer Area" as opposed to "Protected Space in Wooded Area".
- g. The 3,347 area located westerly of the proposed roadway shall be labelled as "Protected Buffer Area" as opposed to "Proposed Protective Space".
- h. The Final Subdivision Plat shall indicate all adjacent subdivision names, lot numbers and associated filed map numbers.
- i. The roadway right-of-way shall indicate the location of proposed concrete monuments and be spaced in accordance with Chapter 113-28A(1) & (2) of the Town of New Castle Town Code.

16. Revision of the Integrated Plot Plan, in form acceptable to the Town Engineer, to reflect the following:

- a. The following general notes shall be placed on the "Roadway Plans" (Sheets R1 through R5) and "Plan Set B" (Sheets SW-1 through SW5).
 - i. Prior to the issuance of a building permit, the entire Limits of Disturbance and/or Clearing/Grading Limits shall be field staked as per the approved site plan and delineated with snow fencing and/or appropriate erosion controls. The applicant shall supply the Environmental Coordinator with a stakeout map (3 copies) prior to the inspection. Contact Steve Coleman, Environmental Coordinator at 914-238-7278. All staking and stakeout map shall be prepared, signed and sealed by a New York State licensed Land Surveyor.
 - ii. Clearing and grading limit lines shall be clearly delineated in the field throughout the construction period and no encroachment beyond these limits by workers or machinery shall be permitted.
 - iii. Prior to the backfilling of Stormwater Facilities, the Building/Engineering Department shall be notified at least 48 hours in advance in order to schedule a Stormwater inspection. Contact Terry Rows, Civil Engineering Technician at 914-238-1429.
 - iv. Each contractor and subcontractor identified in the SWPPP and/or successor or substituted contractor or subcontractor who will be involved in soil disturbance and/or storm water management practice installation shall provide proof that training and/or certification in proper erosion and sedimentation control practices has been obtained.
 - v. Upon completion of the project an As-Built Site Plan will be submitted showing all improvements including the location of all stormwater structures and associated piping, patios, driveway improvements etc.
 - vi. At the completion of the project a Licensed New York State Landscape Architect shall submit an As-Built Plan and a Certification of all Planting in accordance with the approved set of plans on file with the Town's Environmental Coordinator.

- vii. At completion and prior to the issuance of a Certificate Occupancy, the applicant's engineer shall submit a **"Certificate of Construction Compliance"** and **"As-Built Sections"** for the retaining walls (including foundation depth, width, backfill material, weep holes, rebar size and spacing, keyway, etc.) which will certify that the retaining wall has been constructed in accordance with the approved plans on file with the Building/Engineering Department.
 - viii. All work regarding footing/foundations/steel reinforcement/walls for all site related retaining walls shall remain accessible and exposed until inspected by the Building/Engineering Department. The Building/Engineering Department shall be notified at least 48 hours in advance. (Terry Rowe, Civil Engineering Technician at 914-238-1429.)
 - ix. At the Completion of Construction, a Notice of Termination (NOT) form shall be completed and submitted to the Engineering Department. The Termination Letter and proof of mailing to the NYSDEC shall be submitted to the Town of New Castle Designated MS4 Official (Robert J. Cioli, P.E. – Town Engineer) prior to the issuance of a Certificate of Occupancy and in accordance with NYSDEC Permit GP 0-15-002.
- b) All sightline profiles for the establishment of the stopping sight distances and at the proposed driveway intersection with the proposed roadway shall indicate the elevations of the roadway elevation at 50' intervals, which correspond with the sightline stationing.
 - c) All sightline profiles for the establishment of the stopping sight distances and at the proposed driveway intersection with the proposed roadway shall indicate the elevations of the bottom of wall and top of wall elevations regarding Lots 3, 4 & 5.
 - d) All stopping sight distances shall be based upon a speed limit of 30 MPH and increased/or decreased accordingly based upon approaching roadway gradient.
 - e. The **"Typical Roadway Section"** shall be revised as outlined below:
 - i. The minimum shoulder width, as measured from the edge of the paved integral swale, shall be 5'-0" as per section Section 109.19 c, Chapter 109 of the Town of New Castle Town Code.
 - ii. Provide details and sections for the curtain drain.
 - iii. Provide details and sections for the Town-dedicated catch basins, and frame, and grates.
 - f. Provide a NYSDOT Box Beam Guide Rail in accordance with NYSDOT Standard Specifications.
 - g. All drawings regarding **"Roadway Plans"** (Sheets R1 through R5) shall be signed and sealed by a licensed NYS professional engineer and/or architect.
 - h. The proposed storm sewer construction plans (**Plan Set B**; Sheets SW-1 through SW5) shall indicate the rim elevation, invert elevation, pipe diameter and associated slope between each respective catch basin, drain inlet, stationing and HDS.
 - i. The plans shall indicate the location of the existing water main, diameter and type at Button Hook Road, Garey Drive, Sabina Road and Pondfield Drive South.
 - j. The plans shall indicate the location of the existing storm sewer system, rim elevations, invert elevation, type of pipe, diameter of pipe and slope.

All proposed water main piping shall be labeled as "8-inch diameter DIP Cement Lined Class 52 Water Main".

I. Addition of the following notes:

- i. The Clearing and Grading Limit Lines identified on the final approved Preliminary Subdivision Plat and Integrated Plot Plan (IPP) establish the maximum area of disturbance permitted on the subject lot. No additional disturbance beyond the area delineated by the Clearing and Grading Limit Lines shall be permitted without Planning Board approval.

17. Revision of the Stormwater Management Plan and Stormwater Report as follows:

- a. Based upon a review of the "Summary of Proposed Runoff Controls, Peak Discharges, Proposed Storage Volumes and Proposed Runoff Reduction Volumes," as shown on Table 7 in the Stormwater Report, the Proposed Peak Discharge Rate and Peak Volume Total for Drainage Area 7 does not include the peak flow of 0.19 CFS and peak volume of 0.226 developed from Pond 10P: CB/DP#1 (Manhole along east property line to DP#1).
- b. Provide HydroCAD Summary Tables regarding the determination of the Post Development Peak Discharge Rate (CFS) and Peak Volume (CF) for the woods/lawn/brush for Drainage Areas 7, 8 & 9.
- c. Provide a hydraulic analysis specifically for the Town-dedicated catch basins (CB NO. 2 through CB NO. 16), which indicates the Designed Pipe Capacity and Maximum Pipe capacity, in order to demonstrate that the system can safely handle a 10-year 24-hour storm event and safe passageway of a 100-year storm event.
- d. Provide profiles of the proposed stormwater conveyance system, which clearly indicates all crossing of all proposed and existing utilities (sanitary, sewer, electric, cable, potable water, etc.).

18. The Applicant shall submit an estimated cost for construction of all required subdivision improvements to be reviewed and approved by the Town Engineer, including but not limited to the preparation of "As-Built" plans.

The Applicant shall submit to the Town title documentation necessary for purposes of evaluating any proposed offers of dedication.

Prior to the filing of the final plat with the Town, the Applicant shall furnish a certificate from the tax collecting officer of the Town of New Castle stating that all taxes levied, and in addition, all taxes which are a lien against the property, have been paid.

The Applicant shall secure approval and endorsement of the plat by the Westchester County Department of Health. All plans submitted to the Westchester County Department of Health for review and approval shall reflect the identification of all wetland boundaries and their respective surrounding regulated areas.

The Applicant shall be required to satisfy all such additional conditions of final subdivision plat approval as the Planning Board may deem appropriate, which may include but are not limited to requirements pertaining to submission of a map of the final plat at 100-scale; proposed street names; construction plans including all standard construction notes, details, specifications and other engineering features; final drainage computations; final design details and specifications of the "first-flush" basins and associated drainage swales; plans

for the underground installation of utilities; a metes and bounds description of all wetlands areas on the site; soil erosion and sedimentation control plans; plans for landscaping and screening; offers of cession; road maintenance agreements; letter of agreement regarding the submission of "As Built" drawings; performance bonding; and all relevant fees.

23 Submission of a copy of the Integrated Plot Plan containing the endorsement of the Westchester County Department of Health.

24 Pursuant to Section 108A-9 C and E of the Code of the Town of New Castle, the Applicant shall submit a formal stormwater maintenance agreement and access easement that shall be binding on all subsequent landowners served by the stormwater management facility. The stormwater maintenance agreement and access easement shall be in a form satisfactory to Town Counsel and shall be recorded in the Office of the County Clerk as a deed restriction on the property.

25 Pursuant to Section 108A-11 A and B of the Code of the Town of New Castle, the Applicant shall provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit, which guarantees satisfactory completion of the project and names the Town of New Castle as the beneficiary. Also, the Town may require the applicant to provide, prior to construction, an irrevocable letter of credit from an approved financial institution or surety to ensure the proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction.

26 After adoption of a resolution approving the final subdivision plat and before it is endorsed by the Planning Board Chairman, the Applicant shall be required to complete, at his expense, all street and other improvements as shown on the approved construction plans or otherwise specified in the resolution of final approval or, in the alternative, file with the Town Board a bond, letter of credit or other security acceptable to the Town Board in an amount fixed by the Planning Board in its resolution of final subdivision approval as sufficient to secure to the Town the satisfactory construction, installation and completion of the required improvements.

27 Pursuant to Section 113-18 E the Applicant shall be required to submit an inspection fee, payable to the Town of New Castle, equal in the amount to three percent (3%) of the total cost of site work improvements.

28 Submission of payment to the Town of New Castle for a cost estimate fee in the amount of \$100 dollars.

The applicant shall submit all necessary legal documents, including easements in recordable form, satisfactory to Town Counsel including but not limited to the following, some of which may require approval by the Town Board:

- a. Stormwater Maintenance / Access Agreement
- b. Declaration of Street Maintenance and Access Easement
- c. Declaration of Street Maintenance Security Agreement
- d. Sight Line Easement Agreement
- e. Water Main Maintenance / Access Agreement
- f. Irrevocable Offer of Cession for roadway improvements and water main

- g. Declaration of Covenants and Restrictions for the Protected Buffer Areas, including the 3.437 acre parcel on the west side of the proposed roadway, which shall prohibit any clearing, grading, removal of native vegetation, or conversion of areas to lawn grasses, use of pesticides or fertilizers, the placement of any structures, or other site disturbance within such areas without prior approval from the Planning Board.
- h. Documentation for the formation of a Homeowner's Association (HOA) which shall include acceptable covenants and restrictions regarding the HOA's long-term maintenance of the Protected Buffer Areas and stormwater management facilities, obligations to maintain the proposed roadway and water main unless and until the Town Board accepts such infrastructure, obligations to adhere to the Ten-Year Monitoring and Maintenance Plan associated with the Tree Removal Permit, and any other restrictions or obligations relevant to the HOA.
- i. Proposed Deed for the individual lots which contains language satisfactory to Town Counsel in form and substance describing the applicable restrictions and limitations imposed on the Protected Buffer Areas.

30. The proposed water main improvements will require the approval of the Westchester County Department of Health.

31. Submit a 10-Year Tree Monitoring and Maintenance Plan, that includes a detailed cost estimate for determining the required 35% Maintenance Bond. The estimate should include plant materials cost, fencing, labor and other materials required to install required mitigation measures.

32. The Applicant's Replacement Trees Cost Estimate of \$251,366.00 is consistent with accepted industry standards. The estimated Maintenance Bond of 35% represents a total of \$ 87,978.00.

33. The Applicant shall perform the cleaning and removal of all sediment/debris from the existing 24-inch CMP located in and along the two (2) properties of 31 & 37 Garey Drive. Once the 24-inch pipe has been satisfactorily cleaned of all sediment/debris, CCSD will then perform a TV Inspection and Report of the existing 24-inch CMP and provide hard copies and electronic copies of the TV Inspection & Report to the Commissioner of Public Works and Town Engineer.

34. As part of the tree removal plan and in an effort to reduce the impact of Norway maple trees from becoming re-established by removing the entire root system from the site, any stumps or root systems to remain will be treated immediately (within 24 hours) to kill the roots of the tree, and will be repeated several times until sucker sprouts stop growing.

35. The Planning Board having determined that it would not be appropriate to reserve a park site in accordance with the principles and standards provided in the Land Subdivision Regulations and that the best interest of future residents of the Town and the subdivision will be better served by requiring a cash payment to be earmarked for park, playground and/or other recreational purposes, the Applicant shall pay the Town of New Castle the amount of seven thousand dollars (\$7,000.00) for each new lot being created for a total of forty two thousand dollars (\$42,000.00), being the amount fixed in such cases by resolution of the Town Board.

36. Submission to the Town of New Castle of a maintenance agreement by the Applicant, in recordable form satisfactory to the Counsel to the Town, such agreement providing for the maintenance of bonded streets in all-weather passable condition, including snow-plowing and sanding, during the period of

time before dedication. Such maintenance agreement shall include a provision permitting the Town upon twenty-four (24) hours' notice or shorter period if reasonably required under the prevailing circumstances, to contract for the performance of such maintenance for any street providing access to a building for which a certificate of occupancy has been issued if such maintenance has not been accomplished by the street owner to the satisfaction of the Town Engineer. Any sums expended by the Town for such maintenance purposes shall be borne by the owner of the street and, if not paid within thirty (30) days of the date of billing, shall become a lien upon property owned by said owner within the Town of New Castle whether or not within the subject subdivision. Such expenses shall be found collectible in the same manner as general real estate tax assessments

37. To secure the performance of the afore described street maintenance obligations, the Applicant shall submit to the Town of New Castle a surety bond or other security acceptable to the Town Board in the amount of thirty thousand dollars (\$30,000.00). The bond or other security shall initially be for a period of two (2) years. In the event that no dedication takes place within such time period, the bond shall be renewed for additional two (2) year periods until dedication takes place. At the time of renewal, the bond amount may be revised to reflect the current cost to perform such maintenance. The form, sufficiency and manner of execution of such bond or other security shall be subject to the approval of the Counsel to the Town.

38. Submission to the Planning Board of a suitable legal agreement, in form satisfactory to the Counsel to the Town, assuring the Town that the Applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the maintenance of streets and highways for a period of two (2) years after the filing of the deed of dedication to the Town of New Castle in the County Clerk's office, the amount of said bond or other security to be determined by the Town Board.

39. In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the Applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this subdivision.

Conditions to be satisfied prior to the Issuance of any Building Permits for Lots 1 through 6:

40. A Street Opening Permit will be required from the Department of Public Works regarding the installation of the proposed stormwater and water main improvements located within the Town right-of-way of Button Hook Road, Garey Drive, Sabina Road and Pondfield Drive South.
41. Since more than one (1) acre of disturbance is proposed (within the East of Hudson Watershed) the applicant must demonstrate that they have obtained coverage from the NYSDEC under GP-0-15-002, including a Full SWPPP (Erosion & Sedimentation Control Plan including post-construction stormwater practices).
42. The Applicant shall submit for review a comprehensive Construction Sequence and Phasing Plan along with an acceptable Erosion and Sedimentation Control Plan in accordance with the NYSDEC Rules and Regulations (Blue Book), regarding the maximum area of disturbance, which should not exceed five acres during any one phase of land clearing and disturbance activities.

- The Applicant shall file the final subdivision plat with the Westchester County Clerk.
- Furnish to the Town Counsel and file with the Town Clerk written evidence from the County Clerk stating that documents required to be recorded as a condition of this approval. The Applicant shall submit written evidence of the filing of the final subdivision plat in the
45. The Applicant shall submit written evidence to the Planning Board of having obtained coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharge from Construction Activities.
46. The Applicant shall submit 10 copies of the filed plat to the Planning Department.
47. Payment of all outstanding review fees in connection with Planning Board review of this application.

Conditions to be satisfied prior to the issuance of any Certificate of Occupancy for Lots 1 through 6:

48. The Applicant shall post a ten (10) year maintenance bond in form acceptable to the Town Engineer and Town Counsel, in an amount equal to thirty-five percent (35%) of the total cost of plantings, installation and materials, as determined by the Town Engineer in conjunction with the Town Environmental Coordinator, to cover the a 10-year, Monitoring and Maintenance Plan associated with the Tree Removal Plan. Said Maintenance Bond shall be subject to approval by the Town Board. After the end of the 5th year and from time to time thereafter, the Applicant may request from the Town Board a reduction in the maintenance bond, subject to sign off by the Town Engineer in conjunction with the Town Environmental Coordinator. Any bond reduction shall be subject to approval by the Town Board.
49. Submission of "**As-Built Drawings**" and an "**Engineering Certification of Construction Compliance**" for all stormwater management facilities in order to ensure compliance with the approved plans. The As-Built Drawing must show the final design specifications for all stormwater management facilities. The As-Built Drawing and Certification letter shall be prepared by a New York State licensed land surveyor and/or Professional Engineer.
- Furnish to the Town Counsel and file with the Town Clerk, a copy of all documents required to be recorded as a condition of this approval and written evidence of the submission of such documents to the County Clerk for recording.
51. At the completion of the project a Licensed New York State Landscape Architect shall submit an As-Built drawing, and a Certification Letter that all Plantings are in accordance with the approved set of plans on file with the Town's Environmental Coordinator.
- At completion of the project the Applicant's engineer shall submit a "**Certificate of Construction Compliance**" and "**As-Built Sections**" for the retaining walls (including foundation depth, width, backfill material, weep holes, rebar size and spacing, keyway, etc.) which will certify that the retaining wall has been constructed in accordance with the approved plans on file with the Building/Engineering Department.
53. At the Completion of Construction, a Notice of Termination (NOT) form shall be completed and submitted to the New York State Department of Environmental Conservation (NYSDEC). The Termination Letter and proof of mailing to the NYSDEC shall be submitted to the Town of New Castle Designated MS4 Official

(Robert J. Cioli, P.E. -- Town Engineer) in accordance with NYSDEC Permit GP 0-15-002.

All imported fill delivered to the subject site shall include a Manifest to be signed by the owner and applicant's engineer indicating the following: a) delivery date, b) origin of fill, c) type of fill, and d) certification by a New York State Licensed Professional Engineer that the fill delivered is in compliance with NYSDEC paragraph 360-7.1(b)(1) of 6 NYCRR Part 360 -- Solid Waste Management for the intended development use. If the fill material, as determined by the Town of New Castle, is considered to be non-exempt material as per paragraph 360-7.1(b)(1) of 6 NYCRR Part 360 -- Solid Waste Management then the property owner and applicant's engineer may be required to notify the Westchester County Department of Health in writing and shall forward all applications materials, which may include soil testing (EPA 8270 and/or TAGM 4046 as per NYSDEC guidelines) as requested to review and provide recommendations as to proper treatment of contaminated fill materials. Copies of all correspondence to the Health Department shall be submitted to the Town of New Castle.

The Applicant shall submit a maintenance guarantee in the form of a bond, letter of credit, or other security in a form acceptable to Town Counsel and approved by the Town Board, in the amount to be determined by the Town Engineer. The maintenance bond shall be in an amount of 10% of the estimated cost for all roadway improvements to be dedicated to the Town of New Castle. The maintenance bond shall be posted for a period of two (2) years after dedication and acceptance of the roadway by the Town Board.

BE IT FURTHER RESOLVED, that if said conditions be not fully complied with within the above time limit that said preliminary subdivision plat shall be disapproved.

VOTE: Ayes -- All
Noes -- None