

- b. The Subdivision Drawings and the Subdivision Plat shall be such that they meet the satisfaction of the Planning Board's Engineering Consultant, including but not necessarily limited to the fulfillment of the comments in his memorandum dated October 3, 2018 and any subsequent memorandum(s), and said plans shall thereafter be endorsed by said Engineer.
- c. The Subdivision Plat shall be endorsed by the Westchester County Department of Health indicating the Department's approval of the water supply and sewage disposal facilities.
- d. The Applicant shall submit a letter from the Village of Ossining which confirms the adequacy of the municipal water system to serve the proposed lot(s).
- e. The Applicant shall submit a statement signed by the Town Receiver of Taxes that indicates that all taxes due on the Subject Property have been paid.
- f. In accordance with Section 277.4 of New York State Town Law, the need for recreation fees and the amount of said fees as required by the Town's Zoning Law have been established based upon the analysis performed by Frederick P. Clark Associates, Inc., the Town's Planning Consultants, in the study entitled Park, Playground and Recreation Analysis dated March 23, 1994.

In accordance with Section 200-51.A(1)(b) of the Zoning Law and Chapter A203, Fees, of the Town Code, the Applicant shall submit to the Town a recreation fee for the one (1) additional home in the amount required by the Ossining Town Code at the time of the signing of the Subdivision Plat by the Planning Board Chairman.

- g. All outstanding application review fees, including consultant review and legal fees shall be paid in full.
- h. The following conditions shall be fulfilled to the satisfaction of the Town Planner:
  - (1) Section 183-12.G of the Tree Protection chapter of the Town Code provides:

"G. In connection with all subdivision and site plan applications, the project shall meet the minimum requirement of the replacement of 50% of the total aggregate diameter of trees proposed for removal with new trees in accordance with a plan for tree replacement. Tree replacement shall be required on site unless the approving authority determines that, because of site constraints, it is impracticable or impossible to fully meet this mitigation requirement on site. In such case, upon the establishment of a tree bank and/or a tree bank fund

by resolution of the Town Board, the approving authority may consider the off-site mitigation of planting in the tree bank or the payment of a fee to the tree bank fund to satisfy the unmet portion of the tree replacement requirement. Implementation of any off-site planting plan shall require prior approval by the Town Board."

The letters to the Planning Board and to the Planning Board Counsel from Gerhard M. Schwalbe, PE dated September 24, 2018 essentially state:

- a. 1,072 caliper inches of trees would be removed for this subdivision requiring the replacement of 536 caliper inches of trees.
- b. 324 caliper inches of trees are proposed to be planted on-site leaving a deficit in the tree replacement requirement of 212 caliper inches. Using an average caliper of 2.5 inches results in a deficit of approximately 85 trees.
- c. The Applicant proposes to satisfy the unmet portion of the tree replacement requirement by requesting that the Town Board allow a payment to be made to the Town Tree Bank Fund.

The above mentioned letters state that the proposed deciduous trees will be 3 inches in diameter at installation and that the proposed flowering trees would be 2 inches in diameter. However, the Landscape Plan states that the deciduous trees will be 2.5 to 3 inches in diameter and that the flowering trees will be 2.5 inches in diameter. These two sources of information shall be reconciled and the letters and/or Landscape Plan shall be revised accordingly.

Further, the Applicant shall make a payment into the Town Tree Bank Fund in an amount to be determined by the Ossining Town Board.

- (2) A note stating that, "There shall be no direct driveway access to Lots #1 and #3 from Croton Dam Road" shall be provided on the Subdivision Drawings and Subdivision Plat.
- (3) Sight distance measurements for the existing and proposed driveways shall be provided.
- (4) The lot lines and the boundaries of the various easement areas for all four (4) lots shall be shown with bearings and distances (metes and bounds) on the Subdivision Plat. Further, legal easements and maintenance agreements shall be submitted for the review and approval of the Town Attorneys for