

RESOLUTION OF APPROVAL
FINAL SUBDIVISION
FOR
ESTATE OF ELAINE DURMA & JOSEPH DURMA
AND
TIMOTHY MILLER AND PATRICIA MILLER

Nature of Application

Joseph Durma is the record the owner of tax parcel Section 1, Block 1, Lot 8.212 located at 3454 Route 94 in the Town of Chester.¹ The entire parcel consists of some 89.5+/- acres. An application has been made to the Town of Chester Planning Board for approval of a 2-lot subdivision of this property. Proposed lot #1 would consist of 13.65+/- acres of vacant land which is subject to certain restrictions more specifically described hereinafter. The remaining lands, to be designated as lot #2, would remain “as is.”

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) 1-1-8.212

Zoning District

The property affected by this resolution is located in the AR-3 zoning district of the Town of Chester.

Plans

The subdivision materials being considered are on file with the Planning Board and consist of the following:

1. Completed application forms dated September 15, 2014 and July 7, 2015.

¹ This parcel spans NYS Route 94.

2. Subdivision Map prepared by Conrad, Close & Ewald entitled "Final Plan Durma/Miller Subdivision" dated April 24, 2015, last revised October 12, 2015.

Public Hearing

A public hearing on this application was convened on November 18, 2015 and was closed that same date.

SEQRA

Type of Action:

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

Lead Agency:

The Town of Chester Planning Board is the lead agency in regard to this action.

Declaration of Significance:

A negative declaration was issued on November 18, 2015

GML 239 Referral

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has reported that this matter is one for local determination, there being no significant inter-municipal or countywide considerations found to exist.

Findings

The Planning Board has determined that approval of this subdivision will substantially serve the public convenience, safety and welfare in that the land to be improved is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Further, the subdivision is appropriate and consistent with the requirements of the master plan, the official map of the Town, Chapter 83 of the Town of Chester Municipal Code and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the subdivision application as said proposal is depicted on the plans provided by the

applicant and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the amended site plan upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Conditions to be Satisfied

1. This approval is subject to compliance with the requirements set forth in correspondence from the Planning Board Engineer, October 1, 2015.
2. Lot # 1 **is not approved as a building lot.**
3. Before any construction or change of use is undertaken on Lot # 1, the property owner must return to the planning board for review and approval of such construction or change of use.
4. The Planning Board has determined, based upon the present and anticipated future need for park and recreational facilities in the Town as calculated from projected population growth to which this subdivision will contribute, that parklands should be created as a condition of approval of this subdivision. Because parks of size adequate to meet the Town's requirements cannot be properly located on the subdivision plat, the Planning Board, pursuant to Section 83-24 the Subdivision Regulations of the Town of Chester and Section 277 of the Town Law of the State of New York, requires that a fee in lieu of parkland be paid to the Town of Chester. However, because the new lot being created by this subdivision is not being approved as a building lot at this time, the requirement to pay the Town established parkland fee is *deferred* until such time as there is any construction or change of use on Lot #1 as described in paragraph 3 above.

At such time as said compliance with the requirements of paragraph 3 is required, the owner of Lot # 1 must, at that time,

deliver payment, by cashier's check or certified check drawn to the order of the Town of Chester in the amount that is in effect and established at that time as the "fee in lieu of parkland", for Lot # 1 in lieu of dedication of such required parklands to the Town.

General Conditions

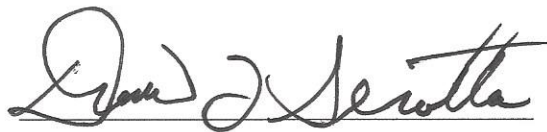
This approval is conditioned upon the applicant satisfying the foregoing conditions and submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board within one year of the date of this approval. Extensions of this approval may only be granted in accordance with applicable law.

This approval is further conditioned upon the applicant delivering proof, in writing, that all fees, engineering, planning, legal and otherwise—in regard to this project have been fully paid.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor 7 Against 0 Abstain 0 Absent 0

Dated: November 18, 2015

A handwritten signature in black ink, appearing to read "Donald L. Serotta", written over a horizontal line.

DONALD L SEROTTA
CHAIRMAN - TOWN OF CHESTER PLANNING BOARD