

RESOLUTION OF APPROVAL
FINAL SITE PLAN
FOR
ROUTE 94 NORTH, LLC
[PRIMO SPORTS COMPLEX]

Nature of Application

Route 94 North, LLC has applied for site plan approval allowing them to construct an indoor/outdoor sports complex on certain real property owned by Chill Factor Cooling, LLC which property is more particularly hereinafter described. The sports complex will consist of a 61,875 +/- square foot indoor recreation facility; four outdoor soccer fields; one indoor soccer field; two outdoor little league baseball fields; two beach volleyball courts and a bocce court all with customary appurtenances. The site also has designated parking for up to 294 vehicles. The premises will be serviced by a well and septic.

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) Section 6, Block 1, Lot 85.2.

Zoning District

The property affected by this resolution is located in the SR-1 zoning district of the Town of Chester.

Zoning Board of Appeals Approvals

As indicated hereinabove, the premises are located in the SR-1 zoning district. The type of facility proposed by the applicant is not specifically designated as a permitted use in the SR-1 zoning district in the Town of Chester Zoning Regulations. Accordingly, the applicant sought an interpretation from the Town of Chester Zoning Board of Appeals that their proposed use is permitted in the SR-1 zoning district as an annual membership

club providing outdoor recreational facilities. Membership clubs are specifically designated as permitted uses in the SR-1 zoning district.

By Decision dated October 27, 2014 the Town of Chester Zoning Board of Appeals determined that the use proposed by the applicant “qualifies as an annual membership club providing outdoor recreational facilities in an SR-1 district.” The full Resolution of the Zoning Board of Appeals is incorporated into this Resolution by reference.

Plans

The Site Plan materials being considered consist of the following:

1. Completed application and Environmental Assessment Form dated October 29, 2014.
2. Site Plan prepared by Fellenzer Engineering, LLP dated May 27, 2014 and last revised May 11, 2015 consisting of 16 sheets.
3. Engineers Report prepared by Fellenzer Engineering LLP dated April 1, 2015 consisting of 10 pages and 8 appendices which include the flood plain map; USDA Web Soil Survey Map; New York State Threatened and Endangered Species Habitat Suitability Assessment Report prepared by Ecological Solutions, LLC dated September 23, 2014; Traffic Impact Study Summary prepared by Maser Consulting, P.A., dated January 9, 2015; Existing and Proposed Well Summary Report prepared by Alpine Environmental Consultants dated June 12, 2014; Water Testing Analysis of a drilled well on the subject premises prepared by SSEC, Inc. dated January 20, 2015; No Effect Letter from the New York State Office of Parks, Recreation and Historic Preservation dated January 27, 2015; Correspondence from the New York State Department of Environmental Conservation dated February 17, 2012 and correspondence from Miller Environmental Group, Inc. dated June 15, 2012.
4. Project narrative prepared by Fellenzer Engineering, LLP dated April 1, 2015 consisting of 41 pages and including a project narrative; an analysis of Erosion and Sediment Control, Runoff Reduction, Stormwater Management Plan and a Runoff Summary.

5. Northern Cricket Frog Call Survey prepared by Ecological Solutions, LLC dated June 12, 2015.
6. Noise and Lighting Assessment prepared by Tim Miller Associates, Inc. dated November 2, 2015.

History

Date of Application

The application was filed with the Planning Board on October 29, 2014.

Public Hearing

A public hearing was convened on April 15, 2015. It was continued until May 20, 2015 at which time it was closed.

SEQRA

Type of Action:

This matter constitutes a Type I action under the State Environmental Quality Review Act.

Lead Agency:

The Town of Chester Planning Board has heretofore circulated its intent to be lead agency in connection with this matter. NO other involved agency has indicated an intent to assume lead agency status and the requisite time for any such challenge has expired. Accordingly, the Town of Chester Planning Board is the lead agency relative to this project.

Declaration of Significance:

A negative declaration was issued on _____.

GML 239 Referral

This application has been referred to the Orange County Planning Department for review and report. The Planning Department in a letter dated May 18, 2015 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 site plan 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 site plan is appropriate and consistent with the requirements of the master plan, the official map of the Town, Article V of the Town of Chester Site Plan Regulations 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 final site plan application of Route 94 North, LLC as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the site plan map(s) upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

1. This approval is subject to compliance with the requirements set forth in correspondence from the Planning Board Engineer, Fusco Engineering and Land Surveying, P.C., dated May 19, 2015 and November 18, 2015.
2. Compliance with correspondence of KALA dated May 14, 2015.
3. Removal to the satisfaction of the New York State Department of Environmental Conservation of all construction and demolition debris stockpiled on site.
4. This approval is subject to compliance with the terms, conditions, notes and all provisions contained within and upon the "Plans" referenced hereinabove.
5. In order to ameliorate effect of the lighting that will be utilized at the fields during the evening, all activities shall cease at such a time to ensure that the said lights will be turned off no later than 10:00 p.m.
6. All stormwater storage and conveyance facilities shall be installed, to the satisfaction of the town engineer. Compliance with the requirements of section 98-13 of the Town Code,

including delivery of the required *Stormwater Control Facility Maintenance Agreement* prior to map signing is required.

Moreover, a map note to this effect shall be placed on the plans before they are signed.

7. The applicant is further required to deliver to the Town, prior to map signing, an offer of dedication wherein and whereby the stormwater facilities are irrevocably offered for dedication to the Town of Chester. Said offer of dedication shall be in such form as may be acceptable to the Planning Board Attorney.
8. Final review and approval of the stormwater management design for the project by the Planning Board Engineer prior to submission of the subdivision plat for the signature of the Planning Board Chairman.

General Conditions

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Chester Planning Board within one hundred eighty days of the date of this approval.

This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid.

Before signing of the Final Plat, the applicant shall deliver appropriate offer(s) of dedication, in duplicate, executed and acknowledged by the owner of the property affected, in form suitable for filing in the Orange County Clerk's Office and the Town Clerk's Office for all such lands as are shown on the plat to be so offered. The offer shall include a *metes and bounds* description of said parcel(s).

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 _____ Against _____ Abstain _____ Absent _____

Dated:

DONALD SEROTTA, CHAIRMAN
TOWN OF CHESTER PLANNING BOARD