

SECOND
AMENDED RESOLUTION OF APPROVAL
FINAL SUBDIVISION
FOR
WARWICK HEIGHTS, LLC
[WARWICK RIDGE]

Nature of Application

Warwick Heights, LLC¹ [Warwick Ridge] has applied for approval of a 15-lot subdivision on a 30.1 +/- acre parcel to create residential building lots situated on the south side of Ridge Road. Each of the proposed lots and dwellings will be serviced by individual well and sewage disposal system.

This application received conditional final subdivision approval from the Town of Chester Planning Board in 2013. Thereafter, by correspondence dated March 25, 2015 submitted by Kirk Rother, P.E., Consulting Engineer, the applicant requested to amend its prior conditional final approval to permit the subdivision plat to be filed in two sections. This request was granted by the Board pursuant to a resolution duly adopted in May of 2015. The applicant has now decided to abandon the approval granted for the filing of the plat in two sections in favor of the previously granted approval for the entire subdivision thus necessitating the adoption of this *second* amended resolution which essentially returns the approval to the *status quo ante*.

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Chester as parcel(s) 17-1-107.2.

¹ This project received preliminary subdivision approval while owned by Cornelius and Ruth VanDeWeert. By assignment dated November 2, 2010, this preliminary approval has been assigned to Warwick Heights, LLC. This assignment is on file with the planning board.

Zoning District

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

Plans

The subdivision materials being considered are on file with both the Town Building Inspector and in the files maintained by the Planning Board consist of the following:

1. Completed application form and Full Environmental Assessment Form.
2. Plans prepared by Kirk Rother, P.E, Consulting Engineer, P.L.L.C., entitled "Warwick Ridge" dated February 10, 2005, last revised June 23, 2010 consisting of 11 sheets.
3. Stormwater Pollution Prevention Plan prepared by Kirk Rother, P.E., dated March, 2008, revised October 2010.
4. Correspondence from Engineering & Surveying Properties, submitted on behalf of the applicant, dated October 6, 2015.

Public Hearing

A public hearing on this application was convened and has been closed. The public hearing for final subdivision was waived by the Planning Board in accordance with Section 83-11(G) of the town Subdivision Regulations.

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. The Planning Board's status as lead agency was established on July 2, 2008.

Declaration of Significance:

A negative declaration was issued on July 2, 2008. This negative declaration was reconfirmed by the planning board on May 6, 2015 in connection with the approval of the phasing plan proposed by the applicant. No further action regarding SEQRA was required in connection with the adoption of this resolution.

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 Section 1 of the Subdivision Application of Warwick Ridge, 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.

Specific Conditions

1. This approval is subject to compliance with the terms, conditions, notes and all provisions contained within and upon the "Plans" referenced hereinabove
2. 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. However, 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 the applicant deliver payment, by cashier's check or certified check drawn to the order of the Town of Chester the sum of \$2000.00 for each new lot created by the subdivision in lieu of dedication of such required parklands to the Town before the Chairman shall affix his signature to the final subdivision plat.

3. This approval is subject to proof of filing (prior to construction) of a Notice of Intent for Stormwater Discharges Associated with Construction Activity Under a SPDES General Permit and delivery of copy of same to the Town Engineer.
4. All stormwater storage and conveyance facilities shall be installed, to the satisfaction of the town engineer. If deemed necessary prior to map filing, compliance with the requirements of section 98-13 of the Town Code, including delivery of the required *Stormwater Control Facility Maintenance Agreement*, may be required.
5. 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. In the event the Town of Chester Town Board should require, prior to

the map being filed in the office of the Orange County Clerk, the formation of a Drainage Improvement District, the applicant must prepare and submit all required information and documentation necessary to facilitate the formation of said improvement district. If no improvement district is required, then, in that event, the deed conveying title to each lot shall contain a recitation that each lot owner shall be responsible for their pro-rata share of the operation and maintenance costs associated with the stormwater facilities.

6. This approval is subject to compliance with the requirements set forth in correspondence from the Planning Board Engineer, McGoey, Hauser and Edsall, P.C. dated November 1, 2010 and November 3, 2010.
7. This approval is subject to compliance with those certain requirements set forth in correspondence from the planning board's landscape architect, KALA, dated November 3 2010 identified and designated as paragraph numbers 6,7,8,9 and 10. The applicant is *not* required to comply with the requirements set forth in paragraphs 1,2,3,4 and 5 in KALA's letter.

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 post, in said amounts as may be established by the Town Board and in such form as shall be acceptable to the Town Board and Town Attorney, all amounts required for assurance that the required improvements shall be properly installed in accordance with the approved plans as well as post all required engineering inspection fees and deliver all required 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 6 Against 0 Abstain Absent 1

Dated: October 7 , 2015


DONALD SEROTTA, CHAIRMAN
TOWN OF CHESTER PLANNING BOARD