

RESOLUTION
TOWN OF ROCHESTER PLANNING BOARD SITE PLAN APPROVAL
AUGUST 14, 2023

Decision PB 2023-167
Site Plan Conditional Final Approval

Applicant: Inness NY LLC

Reason for request: Inness NY LLC (the "Applicant") proposes an expansion of current use to include the construction of a 30' w x 60' l x 20' h (1,800 square-foot) utility/ storage building to be located in the existing gravel parking area.

Location: 10 Bank Street, Accord NY 12404

S/B/L: 77.1-1-1.100

Total Acreage: 139

Planning Board Application: PB2023-167

Zoning District: AR-3 Zoning District

Code Enforcement Determination: Site Plan Approval update existing approval

Zoning Permit: #23/167 with Zoning Permit Determination letter from Jerry Davis CEO dated 4/18/2023.

Planning Board Application PB 2023- 167 Application filed: 3/31/2023

EAF filed: April 3, 2023

SEQR Type: SEQRA Type II pursuant to 6 NYCRR § 617.5(c)(9)

WHEREAS, Inness NY LLC (the "Applicant") proposes the construction of a 30' w x 60' l x 20' h (1,800 ft²) utility/storage building to be located in the area of the existing utility/maintenance building at the south easterly corner of the site at the edge of the existing gravel parking area (THE "Project"); and

WHEREAS, the Project is located on 139 acre parcel S/B/L 77.1-1-1.100 (the "Property"); and

WHEREAS, the Property is located in the AR-3 Zoning District; and

WHEREAS, there is an existing Inness Hotel, Cabins, Restaurant, Farmstand, Golf Clubhouse, and utility buildings on the site; and

WHEREAS, on March 31, 2023 the Applicants submitted a Site Plan and Special Use Permit Application for the Project; and

WHEREAS, on April 18, 2023 the Town of Rochester Code Enforcement Officer determined that the Project met zoning requirements; and

WHEREAS, on April 3, 2023 the Applicant submitted a short form EAF Part 1 for the Project; and

WHEREAS, the Project is a SEQRA Type II action under 6 NYCRR § 617.5 (c)(9); and

WHEREAS, the Planning Board held a duly noticed public hearing on June 12, 2023; and

WHEREAS, the Planning Board submitted the Project to the Ulster County Planning Board pursuant to section 239-m of the General Municipal Law and in an April 28, 2023 e-mail the County Planning Board declined to comment and opined that referral was not necessary under the agreement between the County and Town relating to such referrals; and

WHEREAS, during the public hearing several neighbors expressed concern about the potential for noise and visual impacts from the Project; and

WHEREAS, the Applicant has submitted a Storage Barn Noise Impact Study by Walters Storyk Design Group dated July 28, 2023; and WHEREAS, the Planning Board has carefully considered all submittals relating to the Project from the Applicants and their consultants, its own consultants, comments sister agencies, and the general public.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Rochester Planning Board hereby finds that the Project complies with the criteria for a site plan approval in section 140-55 of the

Town Code and with all other applicable provisions of the Town Code, and hereby approves the site plan amendment for the Project as submitted by Peak Engineering on March 31, 2023 subject to the attached conditions.

SPECIAL CONDITIONS OF APPROVAL

1. The Applicant must plant trees along the southern property boundary adjoining the neighbors of the project site at least 60 hemlock trees at least 6 feet high, as specified [in the site plan] [below] [in _____ document appended to the site plan] for the purpose of screening activities on the Property, and attendant noise and visual impact, from neighbors.
2. The Applicant shall post a bond of \$20,140.00 in a form agree to by the Town Attorney to ensure performance of special condition 1 and the continued viability of such screening beyond initial planting.
3. The Applicant shall comply with all applicable laws and regulations regarding noise on the Property and its impact on neighbors, including without limitation section 140-20F of the Town Code.

GENERAL CONDITIONS OF APPROVAL

1. This Approval is conditioned upon the Applicant submitting all necessary final copies of the plans, reports, and documents to the Town of Rochester Building Inspector. The Applicant shall present Final Plans for signature, which shall be entitled "Final Site Plan Drawings for 10 Bank Street" and modified as conditioned.
2. This Approval is further conditioned upon all other approvals which are currently required or any which may be determined in the future to be required in conjunction with the construction and/or operation of this use being secured or renewed as applicable and which are needed by operation of federal, State or local laws and regulations, whether or not noted above in the Specific Conditions of this Resolution, including, but not limited to the United States Army Corps of Engineers, New York State Department of Environmental Conservation, New York State Department of Transportation, New York State Department of Health, Ulster County Department of Health, the Town of Rochester Board, and compliance with the New York State Uniform Fire Prevention and Building Code. Should any permit approvals necessitate a change to the approved Site Plan, the matter shall be referred to the Planning Board for consideration. Should any conditions imposed by other agency permits cause conditions to be in conflict, the more restrictive condition shall prevail.
3. The site plan as approved by the Planning Board shall be binding upon the Applicant and any subsequent owner. Any changes from the approved plan shall require resubmission and re-approval by the Planning Board. No deviation from the plans, reports or other documents that form the basis for this approval are effective unless and until an amendment to this Resolution is secured from the Planning Board in writing. The Town may stop work on this project, and/or revoke a building permit, and/or withhold a certificate of occupancy, and/or seek any other additional relief as authorized by law, if any term or condition of this Resolution is violated.
4. If no construction or other site improvements have been initiated at the site during the 12-month period following site plan approval, the approved plan shall require resubmission and re-approval by the Planning Board unless the Planning Board shall have granted an extension in writing and provided the applicant has diligently pursued the implementation of the plans. Absent such an extension, the site plan approval and special use shall be deemed to have expired.
5. If the special use has been discontinued for a period of two or more years, it shall be deemed to have lapsed without hearing or notice. A special use permit shall be deemed to authorize only the special use or uses specified in the approval resolution.
6. All fees regarding this Application must be paid in full, including all application fees, other fees required by the Town Code, and the fees of the Planning Board consultants,

including all engineering, planning, and legal fees. Any bonds or other security required by this Resolution shall be submitted in a timely manner as required by the Town Code or Building Inspector. No building permit may be issued by the Building Inspector unless and until such fees have been paid in full and such bonds or other security, if any, shall have been filed with the Town.

7. Any bonds necessary for the performance of the work shall be in such form and in such amounts as required by the Town Board of Trustees, in consultation with the Town Engineer, the Superintendent of the Town Department of Public Works, and the Town Attorney.
8. The Owners' Consent Block shall be signed and dated by the Owners following the date of last revision and prior to the Chair signing the plat.

EFFECT of APPROVAL:

1. This Special Use and Site Plan approval and associated conditions shall be binding upon the applicant and all successive owners of the land so long as such use(s) shall occur.
2. This approval shall remain effective as an authorization to secure the required permits and establish the use(s) for a maximum of one year from this date of approval unless the applicant shall have submitted written request and the Planning Board shall have adopted such resolution granting an extension and provided the applicant has submitted proof of having diligently pursued the implementation of the plans.

Draft resolution was prepared by the Chairman and was read, discussed, and amended by the Planning Board.

The resolution, including findings and conditions, was adopted August 14, 2023, by the following vote:

Ayes: **Nays:**

Motion made by _____ Seconded by _____

cc:
Kathleen Gundberg, Town Clerk, Town of Rochester
David Gordon, Esq., Planning Board Attorney
Jerry Davis, Code Enforcement Officer, Town of Rochester

Assessor, TI Rochester
Liz Axelson, CPL, Planning Board Engineer
Inness NY LLC
Peak Engineering PLLC

The following plans and materials were submitted and reviewed for this application:

Materials Reviewed:

1. 4/3/2023 -- Cover Letter from Nadine Carney at Peak Engineering PLLC with proposal details.
2. 10/2022 -- Application of Zoning Permit and Classification
3. 3/31/2023 -- Site Plan and Special Use Permit Application Packet
4. 3/3/2023 -- Short Form EAF Part 1
5. 10/17/2023 -- Letter authorizing Peak Engineering PLLC to represent Applicant to the Planning Board.
6. 3/31/2023 -- Plan Set from Peak Engineering PLLC
7. 4/3/2023 -- Ulster County Parcel Viewer Aerial location map
8. 1/12/2023 -- Ulster County Deed
9. 4/18/2023 -- Letter from Jerry David, CEO noting Applicant has met zoning requirements.
10. 5/10/2023 -- Letter from Nadine Carney from Peak Engineering PLLC noting submission of revised Sheet 2 depictions of various site vegetation and regarding adequacy of the commercial / residential buffer provided.
11. 6/5/2023 -- Email from Alyssa Farrell noting ADA compliance of ADA parking spaces on the site.
12. 5/22/2023 -- Email from Alyssa Farrell at Building Department noting Accord Fire Department has no comment on the Inness-barn project.
13. 5/9/2023 -- Email from Marc Grasso Planning Board Chair instructing publication of public hearing notice for the June 12, 2023 meeting.