

**RESOLUTION
TOWN OF ROCHESTER PLANNING BOARD
MINOR SUBDIVISION APPROVAL
AUGUST 14, 2023**

**Decision PB 2023-078 Minor Subdivision
Minor Subdivision Conditional Final Approval**

Applicant: 15 Railroad LLC

Subdivision of an existing 4.04 acre parcel in residential district R-2 into two 2 lots, a 2.04 acre lot with the current existing house and a 2.00 acre lot with a proposed new house.

Location: 35 Hill Road, Accord NY 12404

S/B/L: 60.3-2-21

Total Acreage: +/- 4 acres

Planning Board Application: 2023-078

Zoning District: R-2 Zoning District

Code Enforcement Determination: Applicant has met zoning requirements and no physical restrictions apply, from CEO Letter dated March 20, 2023.

Zoning Permit: #23/078, with Zoning Determination Letter dated March 20, 2023

Planning Board Application: 2023-078 Minor Subdivision

PB Application filed: 3/21/2023

EAF filed: March 21, 2023

SEQR Type: Unlisted

WHEREAS, 15 Railroad LLC (the “Applicant”) proposes to subdivide an existing parcel in residential district R-2 from 4 acres into two lots that are at least 2 acres each; and

WHEREAS, the Project is located on a 4.04 acre parcel @35 Hill Road Accord NY 12404, SBL 60.3-2-21 (the “Property”); and

WHEREAS, the Property is located in the R-2 Zoning District; and

WHEREAS, there is an existing residential 1-family home on the Property; and

WHEREAS, on December 13, 2022 the Applicant submitted an Application of Zoning Permit and Classification for the Project; and

WHEREAS, on March 21, 2023 the Applicant submitted a Subdivision Application for the Project; and

WHEREAS, on March 20, 2023, Jerry Davis, the Town of Rochester Code Enforcement Officer, determined that the Project met zoning requirements; and

WHEREAS, on March 21, 2023 the Applicant submitted a short form EAF Part 1 for the Project; and

WHEREAS, the Project is an unlisted action pursuant to SEQRA; and

WHEREAS, on 3/24/2023 the Applicant submitted a site plan of the subdivision and on 3/25/2023 updated said site plans, and then on 4/22/2023 submitted three updated site plans; and

WHEREAS, on 5/09/2023 the Applicant was issued a permit from the Ulster County Department of Health, Environmental Health Services for the installation of Shallow Absorption Trenches for a sewage system; and

WHEREAS, the Project is exempt from referral to the Ulster County Planning Board under the Ulster County Planning Board Land Use Referral Guide, as the application is for less than five (5) lots and the Property is outside the 100-year floodplain; and

WHEREAS, the Planning Board held a duly noticed public hearing on July 10, 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 and/or approvals from public officials and agencies including without limitation the Code Enforcement Officer, the Ulster County Department of Health, and the general public; and

WHEREAS, the Planning Board has carefully reviewed the potential adverse environmental impact of the Project and evaluated such potential against the criteria for significance in 6 NYCRR § 617.7(c), and determined that there is no potential for significant adverse environmental impact from the project within the meaning of 6 NYCRR § 617.7 and that no draft environmental impact statement will be required.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Rochester Planning Board hereby finds the application in compliance with the criteria in chapters 125 and 140 of the Town Code and grants preliminary approval to the Project subject to the below conditions.

SPECIAL CONDITIONS OF APPROVAL

1. The fieldstone walls along rear center of the Property as well as the north lot line and a portion of the new lot line shall remain intact.

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 "Subdivision Drawings for 15 Railroad" 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 or any subsequent activities necessitate a change to the approved plat or contravene any conditions herein or any applicable code, 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. 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.
5. 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.
6. 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.

The Town of Rochester Planning Board further grants the authority to the Chairman to certify conditions **xxx have been completed without further resolution and to sign and date the plat at such time.**

EFFECT of APPROVAL:

1. This Subdivision 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.

Adopted August 14, 2023, by the following vote:

Ayes: Nays: Absent:

**Motion made by
Seconded by**

Date

Marc Grasso, Chair

cc: Kathleen Gundberg, Town Clerk, T/ Rochester
David Gordon, Esq., Planning Board Attorney
Jerry Davis, Code Enforcement Officer, T/ Rochester
Assessor, T/ Rochester
Liz Axelson, CPL, Planning Board Engineer
15 Railroad, LLC, Applicant
Cameron Kucera, Applicant Representative

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

Materials Reviewed:

1. Site plan for 15 Railroad LLC dated 4/22/2023
2. Permit to construct a Waste Disposal System from UC DOH dated 5/9/2023
3. Site plan for 15 Railroad LLC dated 3/25/2023 from Turu Illgen Architect, PLLC
4. Application of Zoning Permit and Classification dated 12/13/2022
5. Sketch site plan dated 3/24/2023
6. Subdivision Application dated 3/21/2023
7. Parcel overhead map dated 3/21/2023
8. Short EAF dated 3/21/2023

9. Letter authorizing representation dated 3/21/2023
10. Memo from Jerry Davis, CEO noting zoning requirements have been met dated 3/20/2023
11. Ulster County sale information for parcel dated 3/15/2023

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