

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

**Decision PB 2022-07 Minor Subdivision
Minor Subdivision Conditional Final Approval**

Applicant: Wild Lands Holding Co. LLC

The applicant is proposing to subdivide 1 existing residential lot into 4 residential lots with single family homes with individual water services and individual subsurface sewage disposal systems. The existing lot contains 60.68 acres within the residential (R-5) zone. Application originally submitted in May, 2022 as a five (5) lot subdivision has been revised in February, 2023 to a four (4) lot subdivision. This revision follows submission to and Town review of multiple, substantive documents, and follows discussion, meetings and field visits between Town representatives and the applicant and applicant representatives.

Location: 64 Rock Hill Road, Accord NY 12404

S/B/L: 77.2-4-18.110

Total Acreage: +/- 60.68 acres

Planning Board Application: 2022-07

Zoning District: R-5 Zoning District

Code Enforcement Determination:

Zoning Permit:

Planning Board Application: 2022-07 Minor Subdivision

PB Application filed: 05/10/2022

EAF filed: February 24, 2023

SEQR Type: Unlisted

WHEREAS, Wild Lands Holding Company LLC / Michael Fink (the “Applicant”) proposes a four-lot minor subdivision on +/- 60.68 acres with substantial frontage on Rock Hill Road; and

WHEREAS, the Project is located on a 60.68 acre parcel @ 64 Rock Hill Road, Accord NY 12404, SBL 77.2-4-18.110 (the “Property”); and

WHEREAS, the Property is located in the R-5 Zoning District; and

WHEREAS, on May 10, 2022 the Applicant submitted a Minor Subdivision Application for the Project; and

WHEREAS, on April 14, 2022 the Applicant submitted an Application of Zoning Permit and Classification for the Project; and

WHEREAS, on May 1, 2022 the Applicant submitted an Agricultural Data Statement; and

WHEREAS, on November 28, 2022 the Town of Rochester Code Enforcement Officer, determined that the Project met zoning requirements; and

WHEREAS, on November 28, 2022 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 11/28/2022 the Applicant submitted a sketch plan and aerial map of the subdivision; and

WHEREAS, the Planning Board held a duly noticed public hearing on August 14, 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).

NOW, THEREFORE, BE IT RESOLVED, that the Town of Rochester Planning Board hereby finds that there is no potential for significant adverse environmental impact from the project within the meaning of 6 NYCRR § 617.7 and determines that no draft environmental impact statement will be required; and

BE IT FURTHER 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. A declaration of driveway easement and maintenance in a form approved by the Town Attorney must be an exception to the conveyance of Lots 2 and 3, and filed in the office of the County Clerk.

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 Wild Lands Holdings LLC Minor Subdivision" 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
Michael Fink

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

Materials Reviewed:

1. 8/25/22 site plan submitted by A. Diachishin and Associates, PC updated 4/21/2023
2. 9/19/22 Wetlands delineation by Ecological Solutions LLC
3. 9/21/22 Threatened and Endangered Species Habitat Suitability Assessment Report by Ecological Solutions LLC Revised May 16, 2023
4. 5/9/22 Short Environmental Assessment Form Part 1
5. 5/3/2022 CEO determination
6. 5/31/2023 EAF Parts 2 and 3

7. 5/22/2023 Accord Fire District comment
8. 5/29/2023 Archeological comment from Joe Diamond
9. 5/24/2023 Archeological comment from Joe Diamond
10. 6/26/2023 NYSDEC comment
11. 6/13/2023 Highway Superintendent comment
12. 6/1/2023 CPL engineering review
13. 5/25/2023 letter from A/ Diachishin
14. 5/21/2023 FEAF Part 1
15. 12/7/2021 UCDPW permit
16. 10/28/2022 letter from A/ Diachishin
17. 10/16/2023 letter from Cornerstone Associates
18. 5/27/2022 letter from A/ Diachishin
19. Road Maintenance Agreement revised draft submitted 8/1/2023

DRAFT