

RESOLUTION
TOWN OF ROCHESTER PLANNING BOARD SITE PLAN APPROVAL
SEPTEMBER 11, 2023

Decision PB 2023-331
Site Plan Approval Conditional Final Approval

Applicant: Thomas Pinkerous (Pinks Links)

Reason for request: Thomas Pinkerous (the “Applicant”) proposes a change of use from the current existing beauty salon business to a golf simulator business.

Location: 5914 Route 209, Kerhonkson NY 12446

S/B/L: 76.2-2-43

Total Acreage: +/- 1.67 acres

Zoning District: Business Zoning District

Code Enforcement Determination: Applicant has met zoning requirements, and no physical restrictions apply, from Zoning Permit Determination letter by Jerry Davis, CEO dated August 23, 2023.

Zoning Permit: #23/441 with Zoning Permit Determination letter from Jerry Davis CEO dated August 23, 2023.

Planning Board Application: PB 2023- 331

Planning Board Application filed: 8/22/2023

Zoning Permit Application filed: 8/15/2023

SEQR Type: Type II

WHEREAS, Thomas Pinkerous (the “Applicant”) proposes a change of use in an existing building from a beauty salon business to a golf simulator business (the “Project”); and

WHEREAS, the Project is located on a +/- 1.67 acre parcel S/B/L 76.2-2-43 at 5914 Route 209, Kerhonkson NY 12446 (the “Property”); and

WHEREAS, the Property is located in the B Zoning District; and

WHEREAS, on August 22, 2023 the Applicant submitted a Site Plan Application for the Project; and

WHEREAS, on August 15, 2023, the Applicant submitted an Application of Zoning Permit and Classification; and

WHEREAS, on August 23, 2023 the Town of Rochester Code Enforcement Officer determined that the Project met zoning requirements; and

WHEREAS, on September 1, 2023 the Applicant submitted a Site Plan of the original building lot parcel and then updated said Site Plan on a map dated September 25, 2023 to show additional items as requested by the Planning Board at their September 11, 2023 meeting; and

WHEREAS, the Project is a SEQRA Type II action under 6 NYCRR § 617.5; 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

NOW, THEREFORE, BE IT RESOLVED, that the Town of Rochester Planning Board hereby finds the application in compliance with the criteria for a site plan approval in Article VII of the Town zoning code (Town Code ch. 120) and with all other applicable provisions of the Town Code, and hereby grants conditional final approval to the site plan amendment for the Project as submitted by the Applicant subject to the attached conditions.

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 Pinks Links" 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 Highway Superintendent, 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 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 September 11, 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

Rochester Assessor

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

Materials Reviewed:

1. Updated Site Plan, 9/25/2023
2. Map of Parcel, 09/01/2023
3. Map of Interior, 09/01/2023
4. CEO Determination, 08/23/2023
5. Application of Zoning Permit and Classification, 08/15/2023
6. Site Plan and Special Use Permit Application, 08/22/2023