

RESOLUTION
TOWN OF ROCHESTER PLANNING BOARD SITE PLAN APPROVAL
NOVEMBER 13, 2023

Decision PB 2023-478
Site Plan Conditional Final Approval

Applicant: Hudson Valley Seed Library LLC / Carrie Schapker

Reason for request:

Hudson Valley Seed Library LLC / Carrie Schapker LLC (the "Applicant") proposes to consolidate their existing agricultural operation and headquarters to a new, approximate 107 acre farm site with complementary retail, education and agritourism enterprise. Existing site includes various improvements related to a prior resident farm operation and an airplane hangar (still standing) and runway primarily for crop dusting. Hangar will be redeveloped for new uses in first phase. Site is fully within a NYS certified Agricultural District, and is encumbered by a conservation easement between the Hudson Valley Seed Library LLC, the Open Space Institute, the Rondout-Esopus Land Conservancy. Included in this easement is a five (5) acre permissive building envelope where the proposed site plan is fully located (with exception of the access driveway to be improved). Proposed project is presented in two (2) phases as shown on site plan maps. A single 3-bedroom residence is proposed as part of the second phase.

Location: 11 Airport Road, Accord, NY 12404

S/B/L: 77.1-1-8.130

Total Acreage: +/- 107 acres

Planning Board Application: PB2023-478

Zoning District: AR-3 Zoning District

Code Enforcement Determination: Applicant has met zoning requirements and based on Article 25-AA of the Agriculture and Markets Law this proposal is exempt from the current Moratorium , from Zoning Permit Determination letter from Jerry Davis CEO dated 08/28/2023.

Zoning Permit: #23/478 from CEO letter dated 08/28/2023.

Planning Board Application PB 2023- 478

Application filed: 08/17/2023

EAF filed: August 15, 2023

SEQR Type: Unlisted

WHEREAS, Hudson Valley Seed Library LLC (the "Applicant") proposes to consolidate their existing agricultural operation and headquarters to a new, approximate 107 acre farm site with complementary retail, education and agritourism enterprise (the "Project"); and

WHEREAS, the Project is located on a 107 acre parcel at 11 Airport Road, Accord, NY 12404 and SBL 77.1-1-8.130 (the "Property"); and

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

WHEREAS, on 08/17/2023 the Applicant submitted a Site Plan and Special Use Permit Application for the Project; and

WHEREAS, on 09/27/2023, the Applicant submitted a revised Site Plan; and

WHEREAS, on 10/02/2023 the Applicant submitted a Preliminary Layout Map of the Residence Building; and

WHEREAS, on 10/02/2023 the Applicant submitted a Layout Map of the Proposed Facility Headquarters; and

WHEREAS, the Property is subject to a Conservation Easement granted to the Rondout-Esopus Land Conservancy, Inc., a not-for-profit conservation corporation; and

WHEREAS, the Applicant submitted comprehensive Lighting Spec Sheets dated 10/02/2023; and

WHEREAS, on 09/27/2023 the Applicant submitted an Agricultural Data Statement completed by Nadine Carney, Project Engineer at Peak Engineering; and

WHEREAS, on August 28, 2023 the Town of Rochester Code Enforcement Officer determined that the Project met zoning requirements and based on Article 25-AA of the Agriculture and Markets Law this proposal is exempt from the current Moratorium; and

WHEREAS, on August 15, 2023 the Applicant submitted a short form EAF Part 1 for the Project; and

WHEREAS, on August 15, 2023, the Applicant submitted a Full EAF Part I, Environmental Resource Mapper, and Property Description Report; and

WHEREAS, on August 28, 2023, Jerry Davis, CEO found that the Applicant has met Zoning Requirements, noted that there is a federal wetland on the parcel, and found that Based on Article 25-AA of the Agriculture and Markets Law this proposal is exempt from the Moratorium;

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

WHEREAS, the Planning Board held a duly noticed public hearing on November 13, 2023; and

WHEREAS, the Ulster County Planning Board reviewed the Project pursuant to section 239-m of the General Municipal Law and in a November 1, 2023 referral response stated its support, finding that the Project “preserves local farming land and retains a growing, successful, business in our community, while minimizing environmental impacts,” and requiring “an approved, final permit, from the Ulster County Health Department” as a condition of approval; 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, reviewed the prospective environmental impacts of the Project in light of applicable SEQRA law and regulation, and evaluated the project for compliance with Town Code requirements for approval of site plans and special use permits.

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 proposed subdivision 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 for approval of site plans and special use permits in chapter 140 of the Town Code and grants preliminary approval to the Project subject to the below conditions.

SPECIAL CONDITIONS OF APPROVAL

1. The Applicant shall obtain final approval from the Ulster County Health Department
2. No performances or other forms of public entertainment are permitted

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 Hudson Valley Seed Library" 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 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 November 13, 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. HPC Response, dated 10/25/2023
2. David Church, AICP Project Application Advisory Review, dated 10/02/2023
3. Site Plan 9-2023, dated 8/15/2023, revised 9/27/2023
4. Revised EAF Full Part 1, dated 8/15/2023
5. Hudson Valley Seed Building Designs – Preliminary Layout, dated 10/02/2023
6. 4A Headquarters Building Site Plan, dated 9/27/2023
7. Conservation Easement, dated 10/05/2023
8. Lighting Spec Sheets, dated 10/02/2023

9. Agricultural Data Statement from Nadine Carney, Project Engineer Peak Engineering, dated 9/27/2023
10. Cover Letter from Nadine Carney, Project Engineer at Peak Engineering, dated 9/27/2023
11. Guidelines for Review of Local Zoning and Planning Laws, dated 10/02/2023
12. CEO Determination Letter from Jerry Davis, CEO, dated 08/28/2023
13. Site Plan and Special Use Permit Application Paid, dated 08/28/2023
14. Waiver Request letter from Peak Engineering dated 08/21/2023
15. Conservation Easement with note "Final Draft: 9/28/2020", dated 08/21/2023
16. Land Deed, dated 10/05/2023
17. Aerial Map, dated 08/21/2023
18. Preliminary SWPPP, dated 08/21/2023
19. Preliminary Site Plan, dated 08/21/2023
20. Letter Authorizing Representation, dated 08/15/2023
21. Full EAF Part I, dated 08/15/2023
22. Site Plan And Special Use Permit Application Packet, dated 08/17/2023
23. Application of Zoning Permit and Classification, dated 08/15/2023
24. Cover Letter Narrative from Peak Engineering for Zoning Permit Application, dated 08/21/2023
25. Public Comments dated 11/01/2023 and 10/20/2023