

**RESOLUTION  
TOWN OF ROCHESTER PLANNING BOARD  
MAJOR SUBDIVISION APPROVAL  
NOVEMBER 13TH, 2023**

**Decision PB 2022-04 Major Subdivision  
Major Subdivision Conditional Final Approval**

**Applicant: Austin Sweeney**

The applicant, Austin Sweeney, proposes to subdivide the parcel into three, single-family residential lots with a shared driveway proposed to provide access to the lots from Schroon Hill Road. The lots will range in size from 6.54 acres to 20.80 acres; all larger than the minimum lot size required within the R5 zoning district, and will be accessed from a shared driveway. All other zoning requirements are met.

**Location:** Schroon Hill Road, Rochester, New York

**S/B/L: 60.3-1-55.100**

**Total Acreage:** +/- 34.277 acres

**Planning Board Application:** 2022-04

**Zoning District:** R-5 Zoning District

**Code Enforcement Determination:** Applicant has met zoning requirements and no physical restrictions apply, per CEO Zoning Determination Letter dated April 25, 2022.

**Zoning Permit:** #22/188

**Planning Board Application: 2022-04 Major Subdivision**

**Planning Board Application Filed: 03/27/2023 (New) and 04/25/2022 (Original)**

**SEQR Type:** Unlisted

WHEREAS, Austin Sweeney (the “Applicant”) proposes to subdivide the parcel into three, single-family residential lots with a shared driveway proposed to provide access to the lots from Schroon Hill Road. The lots will range in size from 6.54 acres to 20.80 acres; all larger than the minimum lot size required within the R5 zoning district.; and

WHEREAS, the Project is 34.277 acres in size and is in the R5 – Rural Conservation District. The property is currently vacant and wooded with NYSDEC regulated wetlands and core habitat on site. (the “Property”); and

WHEREAS, the Property currently sits vacant and wooded with NYSDEC regulated wetlands and core habitat on site; and

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

WHEREAS, on 04/25/2022, the Applicant submitted their initial Major Subdivision Application; and

WHEREAS, on 04/25/2022 the Applicant submitted an Owner Authorization Letter; and

WHEREAS, on 04/25/2022 the Applicant Submitted a Short Environmental Assessment Form Part 1; and

WHEREAS, on 04/25/2022 the Applicant Submitted an Application of Zoning Permit and Classification; and

WHEREAS, on 03/27/2023 the Applicant Submitted a request for Resubmission of their Major Subdivision Application for the Project; and

WHEREAS, on 09/18/2023 the Applicant submitted a packet of documents representing a *resubmitted* Major Subdivision Application including updated Subdivision Plan, Declaration of Common Utility, Driveway and Parking Easement and Maintenance Agreement, Heat Map, and SWPPP; and

WHEREAS, the most recent available plats for the Project are dated 10/30/2023; and

WHEREAS, the Town Planning Board held a duly noticed public hearing on November 13, 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, taken a hard look and evaluated such potential against the criteria for significance in 6 NYCRR § 617.7(c) and further evaluated the Project against the criteria for subdivision approval in chapters 125 and 140 of the Town Code.

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 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 Applicant shall provide an access easement with allocation of driveway maintenance responsibilities in a form acceptable to the Planning Board attorney.

## 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 Mtn Laurel Way" 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 subdivision plat 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 Town Highway Superintendent, 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 that the conditions 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 November 13, 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

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

**Materials Reviewed:**

1. Willingham Engineering Preliminary Subdivision Plat. Dated 04/25/2022
2. Willingham Engineering Cover Letter re: Resubmission of Major Subdivision Application for Mountain Laurel Way with Application Supporting Materials Attachments (Subdivision Plan, Declaration of Common Utility, Driveway and Parking Easement and Maintenance Agreement prepared by Attorney Joe Morrissey, Heat Map, and SWPPP, dated 09/18/2023)

3. Willingham Engineering Submittal with Attached Subdivision Plan, Declaration of Communit Utility, Driveway and Parking Easement and Maintenance Agreement, dated 08/28/2023
4. Original Major Subdivision Application prepared by Willingham Engineering with Subdivision Plans, Short Form EAF, Subdivision Application, Application Fee, Agent Authorization, dated 04/25/2022
5. CEO Zoning Determination Letter from Jerry Davis, CEO, with Zoning Permit #22/188, dated 04/25/2022
6. Signed Owner Authorization Letter, dated 04/25/2022
7. Narrative Cover Letter prepared by Willingham Engineering, dated 04/25/2022
8. Request for Major Subdivision Classification prepared by Willingham Engineering, dated 04/25/2022
9. Original Subdivision Application, dated 04/25/2022
10. SEAF Part I, dated 04/25/2022
11. Original Application of Zoning Permit and Classification, dated 04/25/2022
12. Email re: Subdivision Application Request from Willingham Engineering, dated 05/09/2022
13. New Submission of Major SBD Application Cover Letter noting revised changes from Willingham Engineering, dated 03/27/2023