

**PLANNING BOARD OF THE TOWN OF BEEKMAN, DUTCHESS COUNTY, NEW YORK**

***RESOLUTION OF [CONDITIONAL] FINAL SUBDIVISION PLAT APPROVAL***

**Application: 'Stone Ridge Estates'**

**- March 15 2012;**

Tax Grid #(s): 132200-6658-00-224252 & 266185.

**This resolution is issued pursuant to Section 276 and 277 of Town Law of the State of New York, and in accordance with the Town of Beekman Land Subdivision Regulations.**

**WHEREAS**, Stone Ridge Estates [Beekman Home & Land Devel., LLC ], a proposed residential subdivision of 18 clustered lots within the R-45 zone received preliminary plat approval on or about May 20, 2010; and

**WHEREAS**, the subject property encompasses +/- 26.25 acres of contiguous lands situated at the Beekman boundary with the Town of East Fishkill; and

**WHEREAS**, it is proposed that the property be subdivided into 18 single family clustered building lots, to be served and accessed by two proposed cul-de-sacs, Stone Ridge Road and Halle Court, (road names shall be approved by the Town) approximately 900 and 300 linear feet in length, respectively; and

**WHEREAS**, the proposed development is to be served by central water supply and sewage disposal facilities owned and operated by the Town of East Fishkill from the Four Corners Districts; and

**WHEREAS**, as part of preliminary review a completed SEQRA (State Environmental Quality Review Act) Full Environmental Assessment Form (EAF), Parts 1 and 2 was received; and Town Planning Board subsequently declared itself Lead Agency under the SEQRA Regulations, conducting an uncoordinated review for the proposed Unlisted Action; and

**WHEREAS**, a Stormwater Pollution Prevention Plan (SWPPP) for Construction Activities was submitted along with the Preliminary Plat submission, toward compliance with Federal and State regulations; and an NOI submitted to the State DEC;

**WHEREAS**, on September 28, 2011 & on March 13, 2012, the Town of East Fishkill (T/EF) supplied written correspondence to the Town Planning Board indicating that The Town of East Fishkill is willing and able to meet domestic water supply and sewage collection and treatment demands for up to 18 single family dwellings within this proposed subdivision; and

**WHEREAS**, on February 18, 2010, following a hard-look at potentially significant environmental impacts associated with the proposed action and an evaluation of pertinent environmental data, the Town

Planning Board adopted a Notice of Determination of Non-Significance ('Negative Declaration'); concluding the environmental quality review process; and

**WHEREAS**, the Planning Board conducted a lawful Public Hearing on the Preliminary Plat, commenced and concluded on March 18, 2010; and

**WHEREAS**, the Planning Board granted a 90-day assurance of preliminary plat approval non-revocation at its regular meeting of February 17, 2010, following the statutory approval period of 180 days toward submission of a complete final subdivision plat; and

**WHEREAS**, the Planning Board granted the following additional non-revocations and project time extensions on the following dates:

- On \_\_\_\_\_ a non-revocation / extension to \_\_\_\_\_;
- On \_\_\_\_\_ a non-revocation / extension to \_\_\_\_\_;
- On \_\_\_\_\_ a non-revocation / extension to \_\_\_\_\_;
- On \_\_\_\_\_ a non-revocation / extension to \_\_\_\_\_; and

**WHEREAS**, the Board had requested the applicant appear on June 16, 2011 for the purpose of determining an appropriate and finite time period for the submittal of a complete final subdivision plat; and

**WHEREAS**, the Town of Beekman has updated its Comprehensive Plan and revised its Zoning Ordinance in March 2011 accordingly; and

**WHEREAS**, the Planning Board is generally concerned about development projects approved prior to the adoption of the current Comprehensive Plan and Zoning Ordinance; and

**WHEREAS**, it is the intent of the enabling planning and zoning statutes of the Town Law of the State of New York, as well as the pertinent provisions of Code of the Town of Beekman, to see that land development applications progress to their proper conclusion; and

**WHEREAS**, a comparison of the approved preliminary plan with the updated, current Code reveals that adherence to the newly adopted Resource Protection sections of the Zoning Ordinance is required; and

**WHEREAS**, the review of the preliminary plat as per the updated Code provisions revealed that the subdivision would not be subject to heightened requirements for additional minimum lot area, as the R-45 zoning district area and bulk requirements were not altered by the updated zoning; and

**WHEREAS**, as required by the Code of the Town of Beekman, the Applicant/Subdivider has obtained the favorable recommendation of the Town Architectural Review Board for the design of the proposed dwellings.

**WHEREAS**, a complete Final Subdivision Plat was submitted for approval on or about February 27, 2012; and

**WHEREAS**, the Planning Board recognizes that extended project review may necessitate a new public hearing and additional review in accordance with SEQRA; and

**WHEREAS**, as Lead Agency, the Planning Board determined that the proposed action will not have any significant adverse impacts and a Draft Environmental Impact Statement (DEIS) will not be prepared;

**WHEREAS**, upon a finding by the Planning Board that the final Subdivision Plat is in substantial agreement with approved Preliminary Subdivision Plat, a Public Hearing on the final Subdivision Plat is not called for under §277(6)(b) of the Town Law; and

**WHEREAS**, having found that the proposed subdivision will result in a proportionate increase the need for Town recreation lands and facilities and, further, having considered the reservation of suitable lands for parkland within project site, the Planning Board has determined that it is appropriate to require per-lot recreation fees, to be submitted as prescribed by Chapter 75-1 of the Code of the Town of Beekman; and

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board hereby grants conditional final Subdivision Plat Approval to 'Stone Ridge Estates', subject to the conditions set forth below:

1. Approval from Dutchess County Department of Health for water and sewer connections shall be obtained.
2. Any remaining conditions of the Preliminary Approval, including the Trail.
3. All outstanding comments from the Town Engineer shall be appropriately addressed.
4. The Applicant shall reach a written Agreement with the Town of East Fishkill to establish the method of supplying potable water to and collecting sewerage from this subdivision. Further, the Developer shall provide the Town of Beekman with a copy of this executed agreement document.
5. The Applicant shall post a Performance Bond or a Letter of Credit in a format acceptable to the Town Attorney, and in a quantity recommended by the Town Engineer. The project engineer shall provide all infrastructure quantities as individual items and quantities for this project in a written table, to format as already supplied by the Town Engineer. The Town Engineer shall then insert all municipal costing data to this table and provide the Developer with a Performance Bond amount to be posted with the Town, through the duration of the project. The Performance Bond shall be posted within 60 days of Plat signing by the Chairman, but prior to filing with the County Clerk's office.
6. A Recreation Fee in lieu of providing parkland shall be provided in the amount of \$90,000 for the 18 lots approved.

7. The Owner's Consent note on the plat must be signed and dated after all revisions are made.
8. All easements and rights-of-way that are to be granted to the Town of Beekman shall be prepared for review and approval by the Town Attorney and the Town Engineer prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board. Written confirmation shall be obtained from the Town Attorney that all easements are acceptable to the Town.
9. The Homeowner Association documents shall be approved by the State, with copies provided to the Town Attorney. The HOA responsibilities include stormwater management, cul-de-sacs, open space and trails.
10. An Inspection Fee pursuant to Chapter 75 of the Town Code, in the amount of 4.0% of the Performance Bond, shall be paid to the Town.
11. Five complete sets of plans shall be submitted to the Planning Board office after all revisions have been made for notation of acceptance and distribution to the appropriate Town Officials and Departments. After Filing on the Plat, the Town shall be provided with three copies of all plans filed with the County, and containing the filed map number.
12. Payment of all outstanding escrow fees, shall be made to the Town Comptroller's office, and sign-off received from the Comptroller.

The Chairman, as the duly appointed officer of the Planning Board, shall sign the Final Subdivision Plat after the above conditions have all been met.

**This Final Subdivision Plat Approval expires on September 21, 2012, unless extended by the action of the Planning Board. Accordant with State Law, there shall be a maximum of two (2) additional periods of ninety (90) days each in accordance with §276(7)(c) of New York State Town Law.**

**In further accord with applicable New York State Statutes, the Subdivision Plat must be signed within 60 days of the signature on the Plat by the Chairman of the Planning Board.**

The vote of the Planning Board was as follows:

***CHECK BELOW***

Chairman Sean Johnston	_____
Member David Cabibbo	_____
Member Michael Gallina	_____
Member William Magee	_____
Member Robert Muenkel	_____

Member Peter Poltrack \_\_\_\_\_  
Member Sarah Davis \_\_\_\_\_

\_\_\_\_\_  
Sean Johnston, Chairman

\_\_\_\_\_  
Date