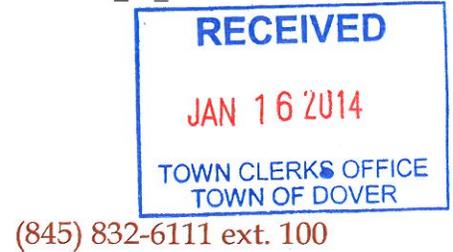


Town of Dover Planning Board

Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522

**RESOLUTION DENYING PRELIMINARY LAYOUT APPROVAL****O'Mara 2-Lot Subdivision
7059-00-917529**

WHEREAS, by application dated February 7, 2012, Patrick O'Mara applied to the Planning Board for approval of a non-realty subdivision to create two lots from an existing 2.9 acre lot, as shown on the plat entitled, "Proposed 2 Lot Subdivision of Patrick O'Mara," prepared by Larry L. Lynn, L.S., dated March 26, 2012; and

WHEREAS, the parent lot is located on Coleman Lane in the SR Zoning District and is identified as tax map parcel no. 7059-00-917529; and

WHEREAS, the NYS Department of Environmental Conservation, by letter dated February 7, 2013, advised the applicant that the parent lot is located within or near recorded observances of the Indiana Bat, a listed species, and that to avoid a take, the applicant should limit tree removal to October 1, 2013 and March 31, 2013; and

WHEREAS, the applicant has agreed to place a note on the subdivision plat requiring that all tree removal take place between October 1st and March 31st of each year and prohibiting tree removal at all other times; and

WHEREAS, the applicant has conducted soil tests which confirmed that soils are sufficient to support a SDS on each of the proposed lots and provide well service; and

WHEREAS, the submittal was accompanied by an Environmental Assessment Form ("EAF") dated February 7, 2012; and

WHEREAS, on May 6, 2013, the Planning Board classified the action as an unlisted action and adopted a determination of non-significance, finding that the project as proposed would not result in any significant adverse environmental impacts; and

WHEREAS, a duly noticed public hearing was held on June 3, 2013, continued to July 1, 2013, and thereafter continued to August 5, 2013, September 16, 2013, October 7, 2013, December 2, 2013 and January 15, 2014, during which all those who wished to speak were heard; and

WHEREAS, the applicant has not attended a public hearing or appeared before the board since July 1, 2013, when additional information on site topography and drainage was requested; and

WHEREAS, the applicant has not provided any additional information to the Board since the July 1, 2013 meeting; and

WHEREAS, the applicant has not responded to requests for status updates from the Board's secretary at any time in the past six months; and

WHEREAS, each time the application is placed on the agenda for a continued public hearing it results in additional administrative work on the part of Town staff and imposition of consulting review costs on the applicant; and

WHEREAS, pursuant to Section 276(8) of the NYS Town Law, if the Planning Board fails to take action on a preliminary plat within 62 days of the closing of the public hearing and completion of SEQRA, such preliminary plat shall deemed approved.

NOW THEREFORE BE IT RESOLVED, that the Planning Board finds that the applicant has failed to pursue the application before the Planning Board and that the application has been abandoned.

BE IT FURTHER RESOLVED, that the Planning Board hereby denies preliminary layout approval to the plat entitled, "Final Plat, Proposed 2 Lot Subdivision of Lands of Patrick O'Mara," prepared by Larry L. Lynn, L.S., dated March 26, 2012, no revision date, for failure of the applicant to pursue the application and provide the Board with the requested information. This denial is issued without prejudice and the applicant may reapply for subdivision approval in the future.

Date: January 15, 2014

Moved By: Valerie LaRobardier Seconded By: William Sedor

Resolution Approved/Disapproved:

David Wylock	<u> ✓ </u>
Valerie LaRobardier	<u> ✓ </u>
Peter Muroski	<u> ✓ </u>
William Sedor	<u> ✓ </u>
Michael Villano	<u> ✓ </u>



David Wylock
Planning Board Chair David Wylock