

APPROVED

Town of Dover Planning Board

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FEB 12 2015

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



BY: *BF*
(845) 832-6111 ext. 100

RESOLUTION GRANTING FINAL PLAT AND EROSION AND SEDIMENT CONTROL PERMIT APPROVAL

Meadow Brook Estates Subdivision

February 11, 2015

WHEREAS, on November 8, 2007, the Planning Board granted conditional preliminary plat approval to the subdivision entitled “Meadow Brook Properties, LLC” for property located on New York State Route 22, Tax Parcel No. 7063-00-511774, in the RU Zoning District (the “site”); and

WHEREAS, after receiving 13 extensions of the time in which to submit a final plat, the applicant, Meadow Brook Properties LLC, has submitted a final plat for the Planning Board’s approval; and

WHEREAS, the applicant is also seeking an erosion and sediment control permit in connection with the subdivision; and

WHEREAS, on September 19, 2007, the Zoning Board of Appeals granted the applicant a variance from Section 145-19J of the Zoning Law to permit three lots which do not have the minimum required frontage of 300 feet on a state road in the RU District; and

WHEREAS, on November 8, 2007, the Planning Board adopted a negative declaration in accordance with the State Environmental Quality Review Act (“SEQRA”) finding that the project as proposed would not result in any significant adverse impacts; and

WHEREAS, the applicant has obtained a freshwater wetlands permit and a water quality certification permit from the NYS Department of Environmental Conservation; and

WHEREAS, by letter dated February 27, 2014, the Department of Environmental Transportation granted conceptual approval to the driveway location on NYS Route 22; and

WHEREAS, the proposed subdivision has been modified from the approved preliminary plat to modify the location of the driveway and to eliminate one residential lot; and

WHEREAS, on January 28, 2015, the Town of Dover accepted the donation of a conservation easement over a portion of the property characterized by scenic views, open fields, wooded areas, wetlands and natural beauty to protect the area from development in perpetuity (the “Conservation Easement”); and

WHEREAS, pursuant to Section 145-65D(4) of the Code of the Town of Dover, before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground and other recreational purposes; and

WHEREAS, the Planning Board has determined that the final plat is in substantial agreement with the approved preliminary plat and that another public hearing is not required.

NOW THEREFORE BE IT RESOLVED, that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town and that a suitable park or parks of adequate size to meet the requirement cannot be properly located on the proposed plat and in lieu thereof requires that payment to the Town of Dover Recreation Trust Fund for five new lots be made prior to the signing of the Final Plat by the Planning Board Chair.

BE IT FURTHER RESOLVED, that that the Planning Board hereby grants final subdivision approval to the subdivision plat entitled, "Flexible Subdivision Plat, Meadow Brook Subdivision", prepared by Zarecki & Associates, dated October 29, 2013, last revised March 11, 2014, and authorizes the Chair or his authorized designee to affix his or her signature to the plat after compliance with the following conditions:

1. Payment of all fees, including a recreation fee of \$15,000.00, and escrow.
2. Department of Health approval for methods of water supply and sewage disposal.
3. Approval by the Planning Board Attorney of the shared driveway easement and maintenance agreement for Lots 5 and 6 (the "Shared Driveway Easement").
4. Inclusion of a signed wetland delineation block.
5. Proof of recordation of the Conservation Easement granted to the Town of Dover and accepted by the Town on January 28, 2015.
6. Revision of the plat to contain the following note: The common drive for lots 5 & 6 shall be constructed at the time that a building permit is issued for either lot 5 or lot 6 and shall be completed prior to the issuance of a Certificate of Occupancy for any structure on either lot.
7. Renewal of the area variance issued on September 19, 2007 by the Zoning Board of Appeals or an interpretation that the area variance does not need to be renewed and is still valid.
8. Revision of the plat to contain the following notes:

Before a building permit may be issued for construction of a residence on any lot created by this subdivision:

- a. the Applicant shall provide the Zoning Administrator with proof of recordation of the Shared Driveway Easement with the Dutchess County Clerk.
- b. the Applicant shall obtain an Erosion & Sediment Control Permit consistent with the Erosion & Sediment Control Plan dated September 8, 2014 on file with the Building Department

BE IT FURTHER RESOLVED, that before the authorized official may issue a Certificate of Compliance, the Planning Board Engineer shall provide the authorized official with a written statement indicating that all work authorized under the permit has been completed in accordance with the approved permit.

BE IT FURTHER RESOLVED, that before a building permit may be issued for construction of a residence on any lot created by this subdivision:

1 the applicant shall provide the Zoning Administrator with proof of recordation of the Shared Driveway Easement with the Dutchess County Clerk.

2 the Applicant shall obtain an Erosion & Sediment Control Permit in accordance with the Erosion & Sediment Control Plan dated September 8, 2014 on file with the Building Department

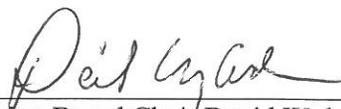
BE IT FURTHER RESOLVED, that before a certificate of occupancy may be issued for any structure on Lot 5 or Lot 6, the Building Inspector, with the assistance of the Town Engineer, shall determine that the common driveway serving both lots has been satisfactorily completed.

It is the responsibility of the applicant to track the time frame within which this approval will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this approval.

Moved by: Valerie LaRobardier **Seconded by:** Michael Villano

David Wylock	<u>Aye</u>
Valerie LaRobardier	<u>Aye</u>
Jay Murphy	<u>Absent</u>
Peter Muroski	<u>Aye</u>
Bill Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>

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 Planning Board Chair David Wylock