RESOLUTION ADOPTING A NEGATIVE DECLARATION FOR A SUBDIVISION APPLICATION

The Reserve "J Street" Subdivision
PB #04-23

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a subdivision by Mt. Airy Estates, Inc. (the "applicant") for a project described as the "The Reserve "J Street" Subdivision;

WHEREAS, the subject site consists of 8.6 acres of land and comprised of two tax map parcels in the Town of New Windsor identified on the tax map as section 76, block 2, and lots 37 and 38 (SBL 76-2-37 & 76-2-38); and

WHEREAS, the action involves a request for a subdivision of land for a residential development; and

WHEREAS, the applicant has submitted a fully executed long form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted a coordinated SEQRA review for this project; and

WHEREAS, the Planning Board declared its intent to become the Lead Agency with respect to the Proposed Action and circulated a Notice of Intent to be Lead Agency to other involved and interested agencies; and

WHEREAS, having received no objection to the proposed Lead Agency designation within thirty (30) days after circulation of the Notice of Intent, the Planning Board was automatically designated the Lead Agency for environmental review of the Proposed Action; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed subdivision plat, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for subdivision approval was held on November 9, 2005 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on November 9, 2005 the public hearing on the application for subdivision approval was closed; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed subdivision plat consisting of 5 sheets, prepared by Morris Associates, P.S., LLC dated March 22, 2004 and last revised on April 4, 2008; and

WHEREAS, pursuant to a stipulation of settlement between the applicant and the Town, as confirmed by the Town Attorney in a letter dated August 5, 2004, this application is based upon and subject to the zoning requirements in effect in 1993; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of the subdivision.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for an coordinated review of this action;

2. This is an Unlisted Action for SEQRA purposes;

3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;

4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;

5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Van Leeuwen, seconded by Member Schlesinger, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	Aye	Nay	Abstain	Absent
Member, Howard Brown	Aye	Nay	Abstain	Absent
Member, Neil Schlesinger	Aye	Nay	Abstain	Absent
Member, Henry Vanleeuwen	Aye	Nay	Abstain	Absent
Chairman, Genaro Argenio	Aye	Nay	Abstain	Absent

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Alternate, Henry Schieble	Aye	Nay	Abstain	Absent

Dated: April 23, 2008
New Windsor, New York

Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 4th day of ~~April~~ June, 2008.

Deborah Green
Town Clerk