

RESOLUTION GRANTING FINAL SUBDIVISION RE-APPROVAL

Meadowbrook Estates Subdivision

PB #1-42

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a subdivision by Land Master Meadowbrook, LLC (the "applicant") for a project described as "Meadowbrook Estates" consisting of 74 single family residences located off of New York State Route 94 near Meadowbrook Lodge (the "action" or "project");

WHEREAS, the subject site consists of 169.35 acres of land and comprised of three tax map parcels in the Town of New Windsor identified on the tax map as section 65, block 1, lots 61.1 and 61.2 (SBL 65-1-61.1 & 61.2), and section 4, block 1, lot 10.1 (SBL 4-1-10.1) a parcel previously annexed from the Town of Cornwall into the Town of New Windsor; and

WHEREAS, the action involves a request for final subdivision approval, including the authorization that the final subdivision plat be filed in the County Clerk's Office in sections in accordance with New York Town Law § 276(11); and

WHEREAS, the applicant has submitted a fully executed 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, 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 April 23, 2003 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on June 25, 2003 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 final subdivision plat consisting of 47 sheets, prepared by Engineering Properties, PC dated January 11, 2005 and last revised on August 21, 2007;

WHEREAS, the applicant is seeking final subdivision approval for the proposed final subdivision plat, which would does not result in any additional disturbances beyond that previously reviewed in connection with the approved preliminary plat;

WHEREAS, the Planning Board finds that the final plat is in substantial conformity with the preliminary plat, and thus has waived the discretionary public hearing on the final plat in accordance with the authority provided in New York Town Law § 276(6) and Town Code § 257-14(B) (2); and

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration; and

WHEREAS, the Planning Board previously granted final subdivision approval to the applicant on December 12, 2007, which approval was valid for 360 days pursuant to Town Law § 276(11); and

WHEREAS, the final subdivision approval expired of its own terms on December 6, 2008 without the filing of any section of the subdivision plat; and

WHEREAS, the applicant has appeared before the Planning Board requesting re-approval of the final subdivision plat; and

WHEREAS, there have been no change in the Town of New Windsor zoning law or other law or circumstances concerning this application; and

WHEREAS, the matter was heard at the Planning Board's December 10, 2008 meeting, at which time the Planning Board determined that the proposed final plat was in substantial conformity to the previously approved plat, and as a result, waived the public hearing of the final subdivision plat; and

WHEREAS, the applicant has proposed to convey to the Town of New Windsor approximately 28 acres more or less comprising the lands shown as Parcel 1 on the attached Schedule A;

NOW, THEREFORE, the Planning Board reaffirms the SEQRA negative declaration that was previously adopted on December 12, 2007, and further finds that the applicant has satisfied the requirements of Town Code § 300-86 and hereby re-approves the final subdivision plat and authorizes the Chairman to affix his signature to the final plat, including sections of the final plat, for filing with the County Clerk's Office, subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The Planning Board Engineer shall review the final subdivision plat, including any proposed sections and associated plans for compliance with all technical requirements of the Town, and the applicant shall make any required revisions to the final subdivision plat, including any proposed sections and associated plans to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall submit an estimate for the Public Improvements to the Planning Board Engineer for review and approval, which must be approved by the Town Board. The estimate shall provide for the filing of the final plat and the development of the site in sections.
4. The applicant shall post a performance guarantee for the Public Improvements for each section prior to the chairman affixing his signature to that respective section of the final plat.
5. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
6. The applicant shall secure from the Town Board the formation of the required drainage district;
7. All Offers of Dedication, including the dedication of Parcel 1, shall be submitted for review and approval by the Planning Board Engineer, the Planning Board Attorney, and the Town Attorney prior to the

Chairman's signature of the final plat. Offers of Dedication may be offered consistent with the filing of the final plat in sections;

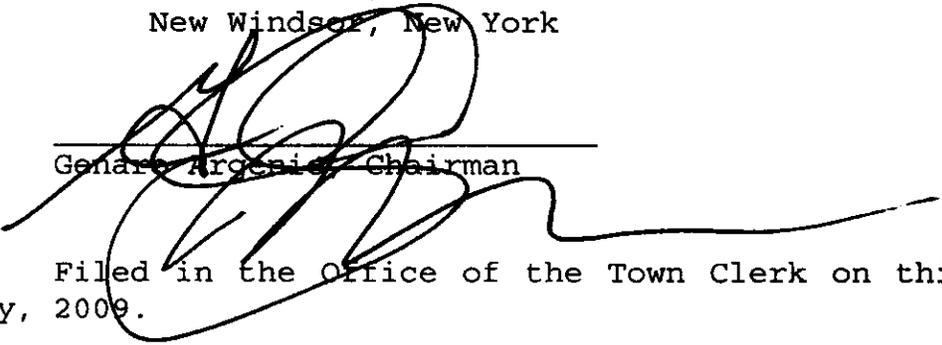
8. The applicant shall file with the Planning Board a copy of the sewer allocation agreement for sewer service to the project.
9. The applicant shall submit proof of satisfaction of the foregoing conditions and submit the first section of the final plat for signature within three hundred sixty (360) days of the date of this resolution. Subsequent proposed sections shall be reviewed by the Planning Board Engineer and Planning Board Attorney to ensure that all conditions of this approval, and all other technical requirements have been met prior to the Chairman affixing his signature on subsequent sections.

AND BE IT FURTHER RESOLVED, that the Planning Board hereby grants all permitted extensions and that this approval authorizing the filing of the first section of the final subdivision plat shall expire on December 5, 2009; no further extensions can be made. The remaining sections of the final plat shall be filed in accordance with the requirements of New York Town Law § 276(11).

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

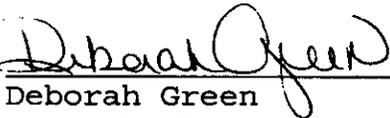
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|---------------------------|--------------------------------------|---------------------------|-------------------------------|---|
| Member, Daniel Gallagher | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input checked="" type="radio"/> Absent |
| Member, Howard Brown | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| Member, Neil Schlesinger | <input type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input checked="" type="radio"/> Absent |
| Member, Henry Vanleeuwen | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| Chairman, Genaro Argenio | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |
| - - - | | | | |
| Alternate, Henry Schieble | <input checked="" type="radio"/> Aye | <input type="radio"/> Nay | <input type="radio"/> Abstain | <input type="radio"/> Absent |

Dated: December 11, 2008
New Windsor, New York



~~Genaro Argente, Chairman~~

Filed in the Office of the Town Clerk on this 21st day of
May, 2009.



Deborah Green
Town Clerk