

Deer Run Phase 3

Resolution
2014-10

TOWN OF CHARLTON PLANNING BOARD

WHEREAS, a subdivision application dated November 18, 2013, was received on December 24, 2013, by the Planning Board for a Subdivision entitled Deer Run Subdivision – Phase III, and

WHEREAS, it is the intent of the applicant to subdivide a total area of 15.78 acres of real property containing a total of 15 new lots, and

WHEREAS, at the February 18, 2014 Planning Board meeting, the application was classified as an unlisted action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and the Planning Board declared itself lead agency, and

WHEREAS, a public hearing was held regarding the application on February 18, 2014, and

WHEREAS, the Saratoga County Planning Board approved the application on February 20, 2014, and

WHEREAS, the Town of Charlton Planning Board to date has received no objections from any other governmental agencies with respect to the Planning Board's lead agency status.

THEREFORE NOW BE IT RESOLVED that the Planning Board of the Town of Charlton hereby accepts the Long-Form Environmental Assessment Form submitted by the applicant, and be it further,

RESOLVED, that the Planning Board has carefully reviewed the Long-Form Environmental Assessment Form submitted by the applicant and the application pursuant to 6 N.Y.C.R.R. § 617.7(c), as well as considered comments received from any involved agencies and the public regarding the application. Based on the foregoing, the Planning Board has thoroughly analyzed the potential relevant areas of environmental concern, and be it further,

RESOLVED, that the Planning Board of the Town of Charlton, acting as Lead Agency and after careful consideration, finds that application will have no significant adverse impacts on the environment in accordance with New York State Environmental Quality Review Act, Article 8, and in particular, pursuant to the criteria found at 6 N.Y.C.R.R. § 617.7(b). The Planning Board thus makes a Negative Declaration pursuant to the New York State Environmental Quality Review Act, and be it further,

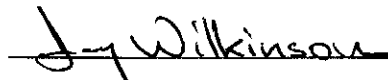
RESOLVED, that the application for Subdivision Approval for the Deer Run Subdivision – Phase III, prepared by the Applicant, dated November 18, 2013, be and is approved subject to the following modifications and conditions, and that the Planning Board Chairman be and is authorized to endorse this Board's approval of said project upon compliance by the Applicant with the additional requirements as outlined herein:

1. Subdivision approval is subject to all requirements of the Zoning Ordinance and any further

reasonable requirements of the Town designated engineer including but not limited to those stated in his letters to the Planning Board Chairman dated, January 13, 2014, and February 14, 2014 regarding modifications to the application.

2. Applicant shall be responsible for, and a letter of credit shall be delivered in a form acceptable to the Town Attorney, Planning Board Chairman, and the Town designated engineer, to insure, the proper installation and maintenance of all public improvements and related costs and expenses, including but not limited to roadways, water mains, and sediment and erosion control measures, and the maintenance and flushing of water mains as the Town may deem necessary in its sole discretion. The amount of the letter of credit shall be determined by the Town designated engineer.
3. No letter of credit shall be released or reduced until all performance is complete and all of the conditions are met to the satisfaction of the Town Attorney, Planning Board Chairman, and the Town designated engineer.
4. Applicant shall deliver to the Town Attorney a fully executed Escrow Agreement in form and substance satisfactory to the Town designated engineer and Town Attorney, relative to all public improvements.
5. The dedication and acceptance of all public improvements shall be completed in accord with direction of the Town designated engineer and Town Attorney.
6. Applicant shall prepare and file a public access easement over the 14.9 +/- acre area near the Alplaus Kill in form and substance satisfactory to the Town Attorney, Planning Board Chairman, and the Town designated engineer, as described in that certain First Amendment to Agreement made the 25th of June, 2010 by and between the Town of Charlton, Capitol Real Estate, Inc., and Bordeau Builders, Inc.

Dated: November 17, 2014
Charlton, New York


Jay Wilkinson, Chairman