


2013-09

RESOLUTION OF PLANNING BOARD CONDITIONALLY APPROVING SUBDIVISION

THEREFORE NOW BE IT RESOLVED that the application for Subdivision Approval for the Heflin-Durst Subdivision 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 Engineer including but not limited to those stated in his letter dated, November 6, 2013.
2. Applicant shall be responsible for, and a letter of credit shall be delivered in a form acceptable to the Town Attorney and the Town 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, including but not limited to 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 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 Engineer and Town Attorney.
4. Applicant shall deliver to the Town Attorney a fully executed Escrow Agreement in form and substance satisfactory to the Town 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 Engineer and Town Attorney.
6. Applicant shall form and organize a Homeowners' Association ("HOA") pursuant to the laws of the state of New York, prior to the issuance of any building permits.
7. The HOA must be formed and operating prior to issuance of any certificates of occupancy.
8. The Applicant and the HOA shall deliver to the Town Engineer a fully executed Stormwater Maintenance Agreement in form and substance satisfactory to the Town Engineer and the Town Attorney.
9. Lot two (2) shall not have ingress and egress access to Swaggertown Road.

Dated: November 18, 2013
Charlton, New York


Jay Wilkinson, Chairman