

Village of Ellenville
Planning Board Commission
February 4, 2009

Meeting called to order at 7:00 p.m. by Chairman Bowler. Present: Commissioners Nilo and Diaz.

Also present: Attorney Philip Cataldi and Code Enforcer Brian Schug

RUPCO - Motion by Commissioner Nilo, seconded by Commissioner Diaz to open the Public Hearing at 7:06 p.m.

All in favor - Aye - motion carried

Chairman Bowler called for any public comments and there were none at the time.

The purpose of this public hearing was to review the request for a sub-division on their project on Broadhead Street.

Chuck Snyder, representing RUPCO, commented that as requested the sidewalks are delineated on the site plan as well as adding notes and they entailed the sidewalks, dedication of sewer improvement, Homeowners Association, maintenance of the common areas and this project is for single family dwellings.

Inspector Schug has started to receive reports from their engineers as requested. Mr. Snyder stated that as soon as the final approval is received in reference to the Homeowners Association, he will bring in a copy for Mr. Schug.

This public hearing had been advertised in the Village's official newspaper.

Motion by Commissioner Nilo, seconded by Commissioner Diaz to close the Public Hearing at 7:15 p.m.

All in favor - Aye - motion carried

The following resolution was made by Chairman Bowler, seconded by Commissioner Nilo:

WHEREAS, on December 29, 2008 an application was filed with the Village of Ellenville Planning Board by the RURAL ULSTER PRESERVATION COMPANY (hereinafter "RUPCO" or "Applicant") for approval of a sixteen (16) lot subdivision layout on approximately 1.12 acres having Tax Map No. 91.022-9-12, in the R-2 Residence District located at the intersection of Canal Street and Brodhead Street for construction of townhouses for future sale, and

WHEREAS, the Planning Board met on January 21, 2009 with RUPCO to conduct a preliminary review of the proposed subdivision layout, pursuant to § 200-5 of the Village of Ellenville Subdivision Law and scheduled a public hearing on the matter for February 4, 2009 at 7:00 P.M., and

WHEREAS, the Planning Board issued a preliminary approval of the subdivision layout conditioned upon RUPCO depicting on the final plat that all common sidewalks constructed and connected to the Village's sidewalks to be maintained by the homeowners association; that all improvements in the sewer easements will be dedicated to the Village of Ellenville upon approval by the Village's Engineers as to proper construction; and that the homeowners association shall maintain the common areas and insure perpetual access to all common areas, parking spaces, driveways, access roads, building exteriors and landscape areas, and

WHEREAS, a public hearing was conducted on February 4, 2009 by said Planning Board at which time the Ellenville Planning Board reviewed the subdivision plat last revised on February 3, 2009 and prepared by Colin M. Houston, P.L.S. on behalf of RUPCO, and

WHEREAS, no members of the public spoke in opposition thereto, and

WHEREAS, the County of Ulster has opted out of the review of Subdivision plats in the Village of Ellenville since they are of local rather than inter-community or county-wide concern, and

WHEREAS, the Planning Board closed the public hearing on February 4, 2009 and discussed at length whether all conditions have been met to grant final subdivision approval to RUPCO on the proposed subdivision layout, and

WHEREAS, the requirements of the subdivision regulations of the Village of Ellenville have been satisfied by said subdivision layout, and

WHEREAS, The Planning Board approved a negative declaration for the project presented by RUPCO in 2008 in compliance with the state environmental quality review act, and determined that the project, as originally proposed, would have no significant adverse impacts on the environment; and

WHEREAS, The Planning Board has made a careful examination and review of the proposed site plan and subdivision layout to the RUPCO project over a period of four (4) years, which review included all of the previously submitted environmental data being incorporated and considered again by this Planning Board, and after extensive review by the Village Planner, Village Engineer, and Village Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Village in regular session duly convened as follows:

1. The Planning Board as lead agency, hereby reaffirms its previous negative declaration, and the final subdivision layout will not have any significant adverse environmental impacts on the environment, and a supplemental environmental impact statement will not be prepared.
2. The layout of the subdivision proposal last revised on February 3, 2009, and submitted to the Planning Board on February 4, 2009 is hereby granted final approval.

3. This resolution shall take effect immediately.

All in favor - Aye - motion carried

Ellenridge ■ Inspector Schug spoke to commission members about a request for certificates of occupancy for Ellenridge and the following motion was made by Chairman Bowler and seconded by Commissioner Diaz:

WHEREAS, it has come to the attention of the Village Planning Commission that Ellenridge Holdings, LLC has recently applied to the Village's Code Enforcement Officer to conduct an inspection of two units within the project previously approved by this Planning Commission on or about August, 2002 for the development of up to 59 Townhouse units at the Ellenridge Development; and

WHEREAS, after review of this Board of the Resolution of approval for the amended subdivision plat and amended site plan presented and made a part of this final decision of this Board, that in order for Certificates of Occupancy to be issued, certain items had to previously be fulfilled by the applicant or developing sponsor, including but not limited to the following:

- 1) all Village escrow moneys be kept current for the purposes of reimbursing the Village's engineer for review under the project;
- 2) that a Performance Bond be kept current in the principal amount necessary to adequately secure all public improvements to the site; and
- 3) A water pressure booster station would be constructed and operational for those units deemed necessary by the Village's engineer; and

WHEREAS, the Village's Code Enforcement Officer/ Building Inspector, Brian Schug, Jr. has rendered a decision based upon the previous Resolution of the Planning Board herein referenced that the applicant, Ellenridge Holdings, LLC does not qualify for any further Certificates of Occupancy being issued while the aforementioned items remain in default.

NOW, THEREFORE, be it RESOLVED by the Planning Commission of the Village of Ellenville that it is our collective recommendation to the Zoning Board of Appeals or any subsequent body should Mr. Schug's decision be challenged is that the terms and conditions of the amended site plan and the amended subdivision plat dated August 2002 as issued from this Board shall be adhered to completely and that the decision and interpretation of Brian Schug, Jr. should be upheld.

All in favor - Aye - motion carried

Adjourn – Motion to adjourn was made by Commissioner Diaz and seconded by
Commissioner Nilo at 7:35 p.m.
All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk