

**RESOLUTION REAFFIRMING A NEGATIVE DECLARATION  
FOR A SUBDIVISION AND LOT LINE CHANGE**

*Highview Estates Minor Subdivision & Lot Line Change  
(Romeo & Diaz Properties)  
PB # 06-09*

**WHEREAS**, an application was made to the Planning Board of the Town of New Windsor for preliminary approval of a subdivision and lot line change by Highview Estates of Orange County, Inc. (the "applicant") for a project described as the "Highview Estates Minor Subdivision & Lot Line Change";

**WHEREAS**, the subject site consists of ten acres of land and comprised of two tax map parcels in the Town of New Windsor identified on the tax map as section 56, block 1, and lots 53.1 and 53.2 (SBL 56-1-53.1 & 53.2); and

**WHEREAS**, the action involves a request for a lot line change, which is a minor subdivision approval from the Town of New Windsor; and

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

**WHEREAS**, the Planning Board conducted an uncoordinated 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 and lot line change was held on May 10, 2006 at which time all those wishing to be heard were given the opportunity to heard; and

**WHEREAS**, on May 10, 2006 the public hearing on the application for subdivision and lot line change was closed; and

**WHEREAS**, on May 10, 2006 the Planning Board adopted a negative declaration under SEQRA and granted preliminary subdivision and lot line change approval; and

**WHEREAS**, on November 10, 2006 the preliminary approval was allowed to lapse; and

**WHEREAS**, an application was made to the Planning Board of the Town of New Windsor for new preliminary and final approval of a subdivision and lot line change by Highview Estates of Orange County, Inc. (the "applicant") for a project described as the "Highview Estates Minor Subdivision & Lot Line Change"; and

**WHEREAS**, on October 10, 2007 the Planning Board waived the public hearing on the application for a subdivision and lot line change; and

**WHEREAS**, the Planning Board previously determined that the Proposed Action minimized or avoided significant environmental impacts and, adopted a Negative Declaration as part of the preliminary approval of subdivision and lot line change; and

**WHEREAS**, the Planning Board intends to re-affirm the previously adopted negative declaration; 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 4 sheets, prepared by Zimmerman Engineering & Surveying, P.C. dated December 6, 2005 and last revised on September 26, 2007; 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 reaffirmed as part of the approval of the subdivision and lot line change.

**NOW, THEREFORE**, be it resolved as follows:

1. The Planning Board is lead agency for an uncoordinated 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

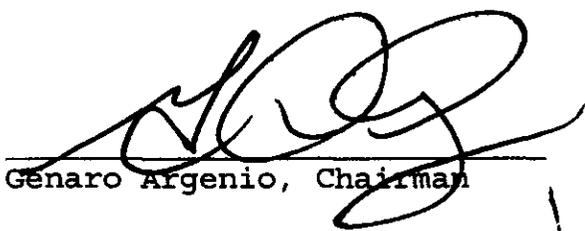
herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;

5. The Planning Board hereby reaffirms the prior SEQRA "Negative Declaration".

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

Member, Daniel Gallagher	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	Aye	Nay	Abstain	<u>Absent</u>
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	Aye	Nay	Abstain	<u>Absent</u>
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent
- - -				
Alternate, Henry Schieble	Aye	Nay	Abstain	<u>Absent</u>

Dated: November 14, 2007  
New Windsor, New York

  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 28<sup>th</sup> day of November, 2007.

  
Deborah Green  
Town Clerk