

In the Matter of the Application of
CARLTON HOMES, LLC **DECISION**
For Modification of Subdivision Plat for the
Shadow Creek Subdivision

Carlton Homes, LLC (hereinafter “Applicant”), of 998 Briarwood Drive, Lakewood, New York, has applied to the Planning Board of the Town of Busti (hereinafter “Planning Board”) to modify the plat for a subdivision known as “Shadow Creek,” the final plat for which was made by Steven A. Carlson, Licensed Land Surveyor, and filed in the office of the Chautauqua County Clerk on March 26, 2006 in Cabinet 2, Section H, Map No. 90.

Applicant has fully developed “Phase I” of the subdivision and now desires to move to “Phase II”, which covers the northern half of the subdivision, covering a total of 23 lots designated on the final plat as Lots 10 – 22, 24, 26, 28, 30, and 35 – 40 (the “Property”).

Applicant desires to modify the final plat to increase the size of the lots in Phase II, to decrease the total number of lots in Phase II from 23 to 20, and to eliminate approximately 600 feet of roadway.

Applicant originally submitted a preliminary modified plat calling for a cul-de-sac on the main roadway in Phase II. After discussion with the Town Highway Superintendent the Applicant modified the plat to eliminate the cul-de-sac.

This decision follows two meetings of the Planning Board to review the application, including one held June 13, 2012, at which comments of the public were received with regard to the modified plat that had no cul-de-sac.

Applicant has provided information to the Planning Board showing that the modification of the plat is justified because (a) it will reduce the number of buildable lots within the subdivision, (b) increase the amount of “greenspace” within the subdivision, and (c) save it approximately \$111,000 in development costs for the roadway that would serve only three additional homes.

The Planning Board has adopted a Negative Declaration for purposes of the State Environmental Quality Review Act, finding that the proposed modification of the subdivision plat will have no significant negative environmental impacts, and, insofar as it will eliminate the construction of approximately 600 feet of hard-surface roadway, reduce the number of buildable lots within the subdivision, and increase the amount of undeveloped “greenspace” within the subdivision, the modification would have a slight positive environmental impact as compared to the prior plat.

After the aforesaid review of the plans, the presentations made by the representatives of Applicant, comments received from the public on June 13, 2012, and based on further discussions at the June 20, 2012 Planning Board meeting regarding the project, a motion was made at the Planning Board meeting on June 20, 2012 to find that the modification of the plat is justified and to approve said modification subject to the following conditions:

1. Applicant must design and construct the circulations roads within Phase II as shown on the modified final plat and then dedicate the system to the Town of Busti. The design and construction of the roadway system must be to the satisfaction of the Town Engineer and Highway Superintendent.

2. Applicant must design and construct a water main extending along the roadways of the Property to the specifications set forth by the Town of Busti, its Engineer, the Chautauqua County Department of Health, and the Jamestown Board of Public Utilities. Applicant shall then dedicate the main to the Town of Busti.

3. Applicant must establish a connection to the South & Center Chautauqua Lake Sewer District which has an existing line bordering the subdivision at its own cost and expense.

4. Applicant shall obtain from the Town Board of the Town of Busti a license agreement to maintain a natural gas well within the right-of-way of the circulation road that will become a Town highway, and shall construct such protection and camouflaging measures for that well as the Town Board shall deem appropriate.

5. Applicant shall enter into an agreement with the Town of Busti whereby Applicant will agree to grant a permanent easement to the Town for town purposes, including the ingress and egress by Town trucks and equipment, with the right to pass over and upon the terminus of the easternmost roadway in Phase II for purposes of plowing snow onto the detention pond lot already owned by the Town and to permit Town highway crews to safely back up and turn around on the lot now designated as Lot No. 40.

6. Any necessary variances from the Town's Zoning Code must be duly obtained.

7. Applicant shall file in the office of the county clerk or register the approved final plat within sixty-two days from the date of receiving from the Town Board of the Town of Busti the license agreement referred to in Section 5 above. Such final plat shall be signed by the Chairman of the Planning Board and shall contain the following notation:

"This subdivision plat was approved on _____, 2012 by the Town of Busti Planning Board.

Dated: [date]

David Paterniti, Chairperson
Town of Busti
Planning Board"

Subject to the aforesaid conditions of approval, the Planning Board of the Town of Busti hereby authorizes modification of the final plat for the Shadow Creek Subdivision.

By: David Paterniti, Chairman
Planning Board of the Town of Busti
All aye.

Motion made by Randy Peterson, seconded by James Butler to adjourn at 6:24 p.m.

All aye.

Respectfully given,
Deputy Town Clerk Darlene H. Nygren