- DRAFT -
RESOLUTION OF CONDITIONAL PRELIMINARY AND FINAL APPROVAL

SUBDIVISION

FOR

GEORGE AND LOIS SCHONGER

APPLICATION SUMMARY

George and Lois Schonger, their successors and assigns (hereinafter "the Applicants"), propose to subdivide their property into a single-family residential subdivision consisting of two (2) lots, involving 41.2+/- acres of property located along Hallihan's Hill Road.

IDENTIFICATION OF THE PROPERTY

The property that is the subject of this Resolution is located with frontage along Hallihan's Hill Road, and is shown on the Tax Map of the Town of Kingston, New York as Section 39.13, Block 2, Lot 21.200. The property is located in the Residential (R) Zoning District.

IDENTIFICATION OF THE PLANS

The following are the plans and other submittals which form the basis of the Planning Board's action in this matter:

1. Correspondence from Praetorius and Conrad, P.C., dated May 4, 2026;
2. Planning Board application, dated May 1, 2026;
3. Short Environmental Assessment Form, Part 1, dated May 1, 2026;

4. Permit to Construct a Waste Disposal System from the Ulster County Department of Health, Environmental Health Services, dated July 9, 2025;
5. Plat, entitled "Subdivision Map", prepared by Praetorius and Conrad, P.C., dated May 4, 2026;
6. Letter of no impact from New York State Parks, Recreation and Historic Preservation, dated August 4, 2025; and
7. Proposed Private Road Maintenance Agreement.

PROCEDURAL HISTORY

This application was filed on or around May 4, 2026. The Planning Board determined that under the State Environmental Quality Review Act ("SEQRA") the application was an Unlisted action. The Planning Board declared its intent to be Lead Agency on May 18, 2026. On June 15, 2026, the Planning Board assumed Lead Agency status, having received no objections from any other Involved Agencies. The Planning Board issued a Negative Declaration on the application under SEQRA on June 15, 2026, stating that it will have no significant adverse impact on the environment.

The public hearing on the application was held on June 15, 2026, when it was closed.

The matter was not referred to the Ulster County Planning Board pursuant to General Municipal Law §§ 239-*l* and 239-*m* because it is exempt under the Exception Agreement between the Planning Board and the Ulster County Planning Board signed on November 12, 2009.

FINDINGS

The Planning Board has determined that this subdivision will substantially serve the public convenience, safety and welfare in that the land to be subdivided is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. and to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading, cut and fill and to retain, insofar as possible, the natural contours, limit stormwater runoff, and conserve the natural cover and soil.

The Planning Board further finds that (1) the Town has a need for public parkland and recreational facilities, including improvement of existing recreation areas; (2) the site presents a proper case for requiring a park or parks suitably located for recreational purposes, as it adds new residential units and will contribute to such need; and (3) suitable public parks or public recreation areas of adequate size to meet this requirement cannot be located on the site plan or are otherwise not practical, pursuant to Town Code § 350-16.

RESOLUTION OF APPROVAL

NOW, THEREFORE, the Planning Board of the Town of Kingston, New York hereby resolves to issue Conditional Preliminary and Final Approval to the George and Lois Schonger application, but only as specifically set forth on the plans, reports and other documents identified above, and as further conditioned as set forth below. The Chairperson is hereby authorized to sign such plans and other documents evidencing this Approval only in strict accordance with all of the terms and conditions of this Resolution of Approval.

SPECIFIC CONDITIONS

1. Prior to the signing of the plat by the Chairman, the Applicants shall:

a. Submit the plans to the Town Engineer for a final engineering review of the plans. The plans shall not be signed until receipt of a letter from the Town Engineer indicating that the plans submitted for signature are in proper order and in compliance with this Resolution.
b. Provide payment of a parkland fee to be determined by the Town Board in lieu of providing parkland in accordance with the Findings listed above.

2. No building permits shall be issued until the Town Building Department receives:
    a. Proof of filing of the Subdivision Plat with the Ulster County Clerk's Office.
    b. Proof of filing with the Ulster County Clerk's Office of a Road Maintenance Declaration and Easement Agreement granting cross-access easements between Proposed Lot 1 and Proposed Lot 2 for the use of the driveway for ingress, egress and utilities, and additionally, providing for the repair and maintenance responsibilities for the driveway, the terms of which are to be binding upon all present and future owners of the lots. The language of the Agreement must be approved by the Planning Board Attorney prior to filing.
3. All tree clearing shall occur between November 1st and March 31st of any year so as to mitigate any adverse impacts on roosting Northern Long-eared bats.
4. Prior to any site disturbance, the limits of clearing and disturbance shall be identified in the field with appropriate signage, flagging and/or fencing. The signage, flagging and/or fencing of the limits of clearing and disturbance shall be posted conspicuously on the site to the satisfaction of the Building Inspector.

5. The Applicants shall submit to the Building Department two copies of all submissions to and responses from all regulatory agencies between the time of this Conditional Approval and the signing of the plat.

GENERAL CONDITIONS

1. This Resolution of Approval is further conditioned upon compliance with all applicable laws and receipt of all other approvals that are needed by operation of federal, State or local laws, regulations and orders, whether or not noted above in the Specific Conditions of this Resolution, including, but not limited to the United States Army Corps of Engineers, New York State Department of Environmental Conservation, New York State Department of Health, New York State Department of Transportation, Ulster County Department of Health, the Town of Kingston Town Board, Federal Highway Administration, if applicable, and compliance with the New York State Uniform Fire Prevention and Building Code.
2. No disturbance of the property is authorized by this Resolution outside of the limits of disturbance noted on the approved plans noted above, except for any farming/agricultural disturbance on those parcels where there is currently, or will be as a result of this plat approval, farming or agricultural activity, or any other approved disturbance.
3. No deviation from the plans, reports or other documents that form the basis for this approval are effective unless and until an amendment to this Resolution is secured from the Planning Board in writing. The Town may stop work on this project, and/or revoke a building permit, and/or withhold a certificate of occupancy, and/or seek any other additional relief as authorized by law, if any term or condition of this Resolution is violated.

4. All fees regarding this Application must be paid in full, including all application fees, recreation fees, and the fees of the Planning Board consultants (including all engineering, planning, and legal fees).
5. This Conditional Approval shall expire 180 days after the date of the Resolution granting such approval unless the requirements have been certified as completed within that time, or unless such time is extended by the Planning Board in accordance with New York State Town Law and the Town Code.

IN FAVOR:

AGAINST:

ABSTENTIONS:

ABSENT:

DATE OF APPROVAL: _____, ____, 2026

DATE OF SIGNATURE: _____

_____
JOHN-PAUL SLIVA, CHAIRPERSON
TOWN OF KINGSTON PLANNING BOARD

I, Linda Nelson, Town Clerk, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on _____ and copies provided to the Building Inspector and mailed to the Applicants.

_____
LINDA NELSON, CLERK
TOWN OF KINGSTON, NEW YORK