

RESOLUTION #28 OF 2021

A RESOLUTION CONSENTING TO THE DISCONTINUANCE OF A PORTION OF MEAD ROAD AS REQUESTED BY THE APPLICATION OF JONATHAN STARCH

WHEREAS, we, the members of the Town Board of the Town of Middletown, Delaware County, New York, (the "Town"), have reviewed the application of Jonathan Starch ("Applicant"), which requests the discontinuance of a specifically described portion of Mead Road, a Town highway that has heretofore been constructed in said Town; and

WHEREAS, it appears that traffic over the portion of said Town highway specifically described in said application is limited to the Applicant, and

WHEREAS, it further appears that there are no other persons, corporations or other entities, other than the Applicant, owning any premises through which the portion of said Town highway sought to be discontinued passes, or to which it is adjacent, and

WHEREAS, it further appears that the portion of said Town highway sought to be discontinued has become unnecessary and is useless as a public thoroughfare; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act ("SEQRA"), after consideration of said application, it was determined by the Town Board that discontinuance of the portion of the highway described in the application is an Unlisted Action, as defined under said regulations, and after a review of the Short Environmental Assessment Form, that consent to the discontinuance would not have any significant adverse effects upon the environment and therefore a negative declaration was issued.

NOW, THEREFORE, BE IT RESOLVED, that after due deliberation, the Town Board of the Town of Middletown, pursuant to section 171 of the New York State Highway Law, hereby consents in writing to the discontinuance of the said portion of Mead Road specifically described in Applicant's application; and be it further

RESOLVED, the Town Board's consent herein is conditional upon (1) the Applicant's grant of a right-of-way easement in favor the Town to allow Town Highway Department vehicles to use as a turnaround the cul-de-sac (depicted in the drawings attached to Applicant's application) to be constructed at Applicant's expense on the discontinued portion of Mead Road; and (2) the Applicant's payment of the Town's reasonable attorney's fees associated with this discontinuance; and be it further

RESOLVED, that the Town Supervisor and/or Highway Superintendent, as applicable and/or required by law, are authorized to execute any and all documentation required to carry out the discontinuance of the said portion of Mead Road specifically described in Applicant's application;

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

WHEREUPON, the Resolution was put to a vote and recorded as follows:

Motion made by: Julia Reischel

Seconded by: Christopher Dabritz

Resolution adopted by a vote of 5 ayes and 0 nays

I hereby certified that the above resolution was duly adopted by the Town Board of the Town of Middletown at its regular meeting held on October 13th, 2021.

Dated: October 13th, 2021

Patricia F. Kelly
Patricia F. Kelly, Town Clerk
Town of Middletown



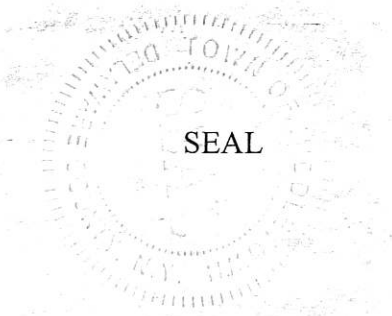
STATE OF NEW YORK }
COUNTY OF DELAWARE }
TOWN OF MIDDLETOWN }

I have compared the preceding copy with the original Resolution on file in this office adopted by the Town Board of Middletown at a regular meeting held October 13th, 2021, and I DO HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole of the original. I further certify the vote thereon was as follows:

MEMBERS PRESENT	MEMBERS ABSENT	VOTE
Supervisor Davis		Yea/Nay/Abstain
Councilperson Sweeney		Yea/Nay/Abstain
Councilperson Delameter		Yea/Nay/Abstain
Councilperson Reischel		Yea/Nay/Abstain
Councilperson Dabritz		Yea/Nay/Abstain

Dated: October 13th, 2021

Patricia F. Kelly
Patricia F. Kelly, Town Clerk
Town of Middletown



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Discontinuance of portion of Mead Road, Town of Middletown			
Project Location (describe, and attach a location map): Town of Middletown, Northern Terminus of Mead Road (See attached survey)			
Brief Description of Proposed Action: Request Highway Superintendent to discontinue a portion of the Town Road known as Mead Road located on lands of Applicant, pursuant to Highway Law § 171, and Grant Easement to Town for construction of cul de sac.			
Name of Applicant or Sponsor: Jonathan Starch		Telephone: 646-221-9042 E-Mail: jonathan.c.starch@gmail.com	
Address: 379 Mead Road, P.O. Box 281			
City/PO: New Kingston		State: NY	Zip Code: 12459
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.716 acres	
b. Total acreage to be physically disturbed?		0.409 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		90.34 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ intermittent stream; no alteration of wetland or waterbody _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Jonathan C. Starch by The Ayers Law Firm, PLLC</u> Date: <u>October 13, 2021</u>		
Signature: <u><i>Kenneth W. Ayers</i></u> Title: <u><i>Agent / Attorney</i></u>		

Project:

Date:

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

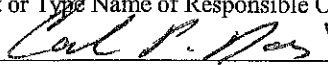
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Date:

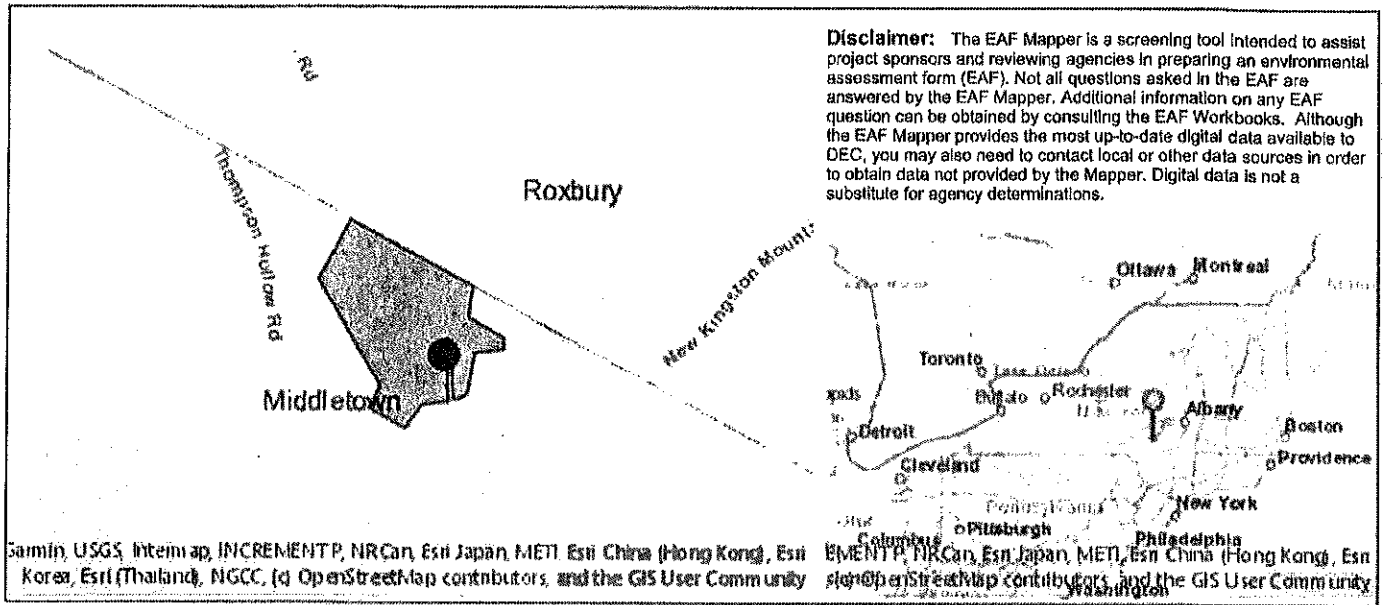
Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

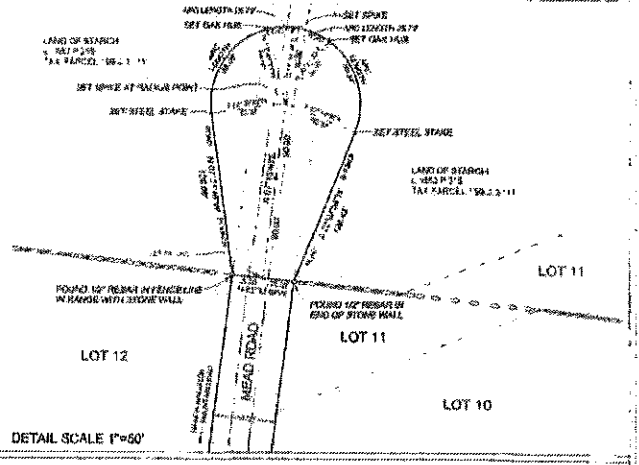
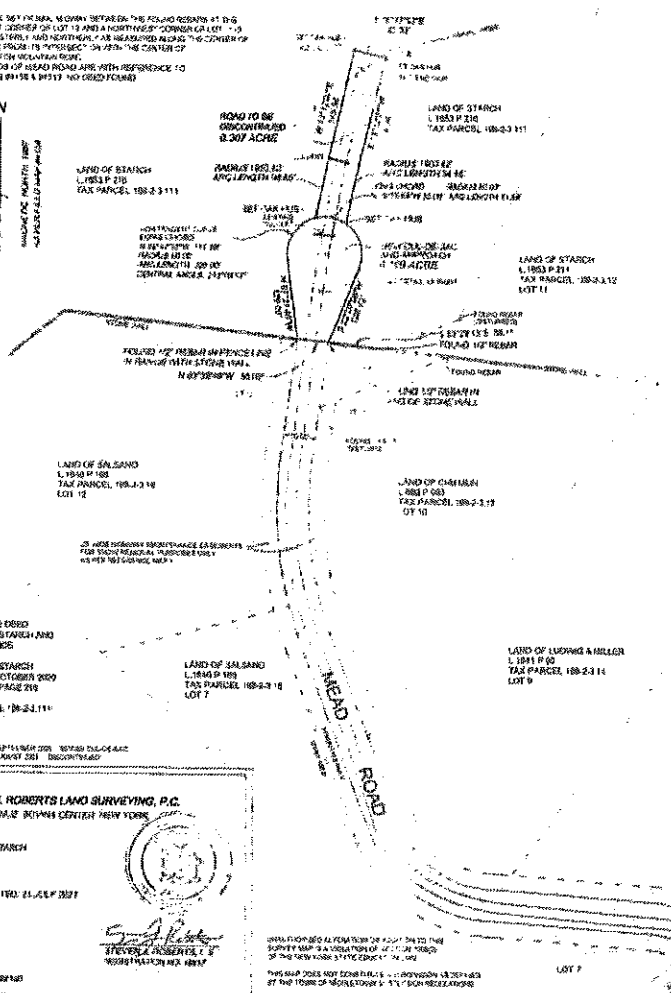
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Middletown <small>Name of Lead Agency</small>	October 13, 2021 <small>Date</small>
Carl P. Davis <small>Print or Type Name of Responsible Officer in Lead Agency</small>	Supervisor <small>Title of Responsible Officer</small>
 <small>Signature of Responsible Officer in Lead Agency</small>	 <small>Signature of Preparer (if different from Responsible Officer)</small>

PRINT FORM



- Part 1 / Question 7 [Critical Environmental Area] No
- Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] No
- Part 1 / Question 12b [Archeological Sites] No
- Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies] Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
- Part 1 / Question 15 [Threatened or Endangered Animal] No
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] No

NOTE: THE 50' PERMANENT EASEMENT BETWEEN THE FOUND ROADS AT THE NORTHEAST CORNER OF LOT 12 AND A NORTHWEST CORNER OF LOT 11 IS A RELAYED AND NORTHWEST CORNER OF LOT 11. THE NUMBER OF ROAD ROLLS ARE WITH REFERENCE TO THE MAPS IN 1984 & 1987. NO GRAD FOUND.



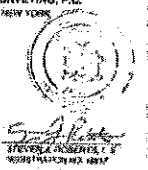
REFERENCE MAPS
JONATHAN STARCH AND
DAVID FRANKS
TO
JONATHAN STARCH
DATED 28 OCTOBER 2000
LIBER 1083 PAGE 219
TAX PARCEL 188-2-3-111

REVISIONS
REVISED PER PLAN 1000 10/28/00 10/28/00
REVISED PER PLAN 1000 10/28/00 10/28/00

SURVEY BY
STEVEN J. ROBERTS LAND SURVEYING, P.C.
4845 AVENUE OF THE SUNS, NEW YORK, NY 10010

ORDERED BY
JONATHAN STARCH

SURVEY DATED: 21 JULY 2007



THIS MAP WAS PREPARED FOR THE TOWN OF MIDDLETOWN, DELAWARE COUNTY, NEW YORK STATE, BY THE TOWN OF MIDDLETOWN, DELAWARE COUNTY, NEW YORK STATE.

REFERENCE MAPS
1) MAP SHOWING A SURVEY AND SUBDIVISION OF LANDS OF HAROLD S & JOHN H. MEAD REVISION DATED 12 FEBRUARY 1988, BY JOHN S. LUDOLF, P.L.S. AND FILED IN THE DELAWARE COUNTY CLERK'S OFFICE AS MAP NO. 418
2) MAP SHOWING A SURVEY AND SUBDIVISION OF LANDS OF HAROLD S & JOHN H. MEAD REVISION DATED 02 OCTOBER 1988, BY JOHN S. LUDOLF, P.L.S. AND FILED IN THE DELAWARE COUNTY CLERK'S OFFICE AS MAP NO. 432

LAND OF BURN ET AL.
L 1883 P 10
TAX PARCEL 188-2-3-10
LOT 8

MAP OF SURVEY PREPARED FOR
JONATHAN STARCH
SHOWING A PORTION OF MEAD ROAD TO BE DISCONTINUED
AND A NEW CUL-DE-SAC AT THE END OF MEAD ROAD
BEING IN THE
TOWN OF MIDDLETOWN
DELAWARE COUNTY
NEW YORK STATE

SCALE: 1"=100'

