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# TOWN OF AMENIA

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## TOWN OF AMENIA PLANNING BOARD

Resolution # 7 for 2016

### **Adopting Negative Declaration Under the State Environmental Quality Review Act ("SEQRA") for the Amenia Fish & Game Club Application to Construct an Underground Shooting Range**

**September 14, 2016**

**WHEREAS**, Amenia Fish and Game Club (the "Applicant") is the owner of approximately 6.4 acres of land located at 4623 Route 22 in Amenia, New York (the "Property"); and

**WHEREAS**, the Property has been developed with an aboveground shooting range that has served its members for many years; and

**WHEREAS**, the Property is located in the Rural Agricultural (RA) Zoning District, with all or some portions of the Property situated in the Scenic Protection Overlay District (SPO), Floodplain Overlay District, and Primary Valley Bottom Aquifer (PVBA); and

**WHEREAS**, pursuant to Article IX of the Town of Amenia Zoning Code (the "Zoning Code"), on or around March 9, 2016, the Applicant submitted an application to the Planning Board seeking a Special Permit and Site Plan Approval to allow for the construction of an underground shooting range that will replace existing aboveground shooting ranges on the Property (the "Project"); and

**WHEREAS**, the documents submitted by the Applicant consisted of, among other things, (1) a Land Use Application; (2) a Narrative Project Description; (3) a Full Environmental Assessment Form ("Full EAF"); (4) an Agricultural Data Statement; (5) a request to waive the submission of certain site plan information pursuant to Section 121-65(C) of the Town of Amenia Zoning Code ("Waiver Request"); and (6) various site plans and other documents (together, the "Application"); and

**WHEREAS**, the Planning Board has determined that the proposed Project is a major project under Section 121-60(C) of the Zoning Code because the Application involves the construction of facilities or structures for a nonresidential use covering greater than 3,000 square feet of building footprint; and

**WHEREAS**, after reviewing the application materials and Part 1 of the Full EAF, the Planning Board confirmed that the Project is an unlisted action under SEQRA; and

**WHEREAS**, the Planning Board deemed the Application to be complete for purposes of referring it to the Town of Amenia Zoning Board of Appeals ("ZBA") and the Dutchess County Department of Planning and Development ("County Planning Department") as required by Section 121-62(E) of the Zoning Code and Section 239-m of the NYS General Municipal Law, respectively, and thereafter caused the necessary referrals to be made; and

**WHEREAS**, the County Planning Department reviewed the Project for county-wide and inter-municipal impacts and issued a report dated August 11, 2016, stating that the action is a matter of local concern; and

**WHEREAS**, the ZBA reviewed the Project and had no objections to it and voted in favor of the Project at its regularly scheduled meeting held on August 15, 2016; and

**WHEREAS**, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Application materials and completed Part 2 of the Full EAF; and

**WHEREAS**, the Town Engineer has reviewed the Project plans and provided written comments on them and the Applicant has revised the plans to address such comments; and

**WHEREAS**, on September 14, 2016, the Planning Board held a public hearing to gather comments on the Project and considered the verbal and written comments submitted by the public; and

**WHEREAS**, the SEQRA regulations provide that for an Unlisted action "the lead agency making a determination of significance must: (1) consider the action as defined in sections 617.2(b) and 617.3(g) of [SEQRA]; (2) review the EAF, the criteria [for determining significance contained in SEQRA] and any other supporting information to identify the relevant areas of environmental concern; (3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and (4) set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation"; and

**WHEREAS**, the SEQRA regulations also provide that "[t]o determine whether a proposed ... Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in [section 617.7(c)(1) of the SEQRA regulations]"; and

**WHEREAS**, after reviewing and completing Parts 1 and 2 of the Full EAF; after reviewing all the other information submitted to the Planning Board by the Applicant and the public; and after reviewing the criteria for determining significance set forth under Section 617.7(c)(1) of the SEQRA regulations, the Planning Board determined that no significant adverse environmental impacts will be created by the Project; and

**WHEREAS**, as required by SEQRA, the Planning Board has prepared a written elaboration as to why the Project will have no significant adverse environmental impacts, and why the issuance of a Negative Declaration is appropriate;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Planning Board issues a SEQRA Negative Declaration for the Project concluding that the Project will not create any significant adverse environmental impacts and a draft environmental impact statement will not be prepared; and
2. The Planning Board adopts and incorporates herein by reference, the attached written Negative Declaration for the Project; and
3. The Planning Board directs that the attached Negative Declaration be filed, distributed and published as required by the SEQRA regulations, Section 6 NYCRR 617.12.

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Joseph Fontaine, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Peter Clair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
John Stefanopoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Erich McEnroe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Matt Deister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Rosenberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Dated: September 14, 2016  
 Amenia, New York

  
 Joseph Fontaine, Chairman  
 Town of Amenia Planning Board