

SEP 15 2016

**RECEIVED**



# TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501  
TEL: 845-373-8860, x118 FAX: 845-373-9147

## TOWN OF AMENIA PLANNING BOARD

Resolution #8 for 2016

### **Approving a Special Permit and Site Plan For the Construction of an Underground Shooting Range for the Amenia Fish & Game Club**

**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**, pursuant to the Zoning Code, recreational businesses are permitted in the RA zoning district with a special permit and site plan approval from the Town of Amenia Planning Board ("Planning Board") and a referral to the Town of Amenia Zoning Board of Appeals ("ZBA") for major projects; and

**WHEREAS**, the Planning Board has determined that the propose 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**, 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 reviewed and considered all of the above referenced documents submitted by the Applicant as part of its Application; and

**WHEREAS**, the Planning Board also reviewed and considered written comments from the Town Engineer on the Project and the Applicant has revised the Project plans to address such comments; and

**WHEREAS**, pursuant to Section 121-65(C) of the Zoning Code, the Planning Board has determined to waive the submission of site plan information contained in Sections 121-65(B)(15) and 121-65(B)(16) of the Zoning Code with respect to the Applicant’s Site Plan; and

**WHEREAS**, on July 28, 2016, the Planning Board deemed the Application to be complete for purposes of referring it to the ZBA and the Dutchess County Department of Planning and Development (“County Planning Department”) for their review and recommendation 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 countywide and inter-municipal impacts and issued a report dated August 11, 2016, stating that the Project was a matter of local concern; and

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

**WHEREAS**, pursuant to Section 121-62(E) of the Zoning Code, a properly noticed public hearing was held on September 14, 2016; and

**WHEREAS**, following the public hearing, on September 14, 2016, the Planning Board adopted a Negative Declaration under the State Environmental Quality Review Act (“SEQRA”) concluding that the Project will have no significant adverse environmental impacts and that a draft environmental impact statement will not be prepared; and

**WHEREAS**, the Planning Board has determined that the Project will comply with all Zoning District and other specific requirements of the Zoning Code and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Code and the RA Zoning District; and

**WHEREAS**, the Planning Board has determined that the Project will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances; and

**WHEREAS**, the Planning Board has determined that the Project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition; and

**WHEREAS**, the Planning Board has determined that the Project will be accessible to fire, police, and other emergency vehicles; and

**WHEREAS**, the Planning Board has determined that the Project will not overload any public water, drainage, or sewer system, or any other municipal facility; and

**WHEREAS**, the Planning Board has determined that the Project will not materially degrade any watercourse or other natural resource or ecosystem, or endanger the water quality of an aquifer; and

**WHEREAS**, the Planning Board has determined that the Project will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and its ability to be buffered or screened from neighboring properties and public roads; and

**WHEREAS**, the Planning Board has determined that the Project will be consistent with the goal of avoiding strip commercial development, and buffering non-residential uses that are incompatible with residential use; and

**WHEREAS**, the Planning Board has determined that the Project will not adversely affect the availability of affordable housing in the Town; and

**WHEREAS**, the Planning Board has determined that the Project will comply with the applicable Site Plan criteria in Section 121-65(D) of the Zoning Code; and

**WHEREAS**, the Planning Board has determined that the Project will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social, and economic impacts; and

**WHEREAS**, the Planning Board has determined that the new underground range will be located outside the SPO and that only minor site improvements will occur within the SPO and that these improvements meet the standards as set forth in Section 121.14.1 of the Zoning for construction work in the SPO and will not impair the scenic preservation purposes of the SPO; and

**WHEREAS**, the Planning Board's determinations outlined above are based on the Applicant's representations contained in all of the Application materials submitted to the Planning Board and the Applicant's compliance with the Town of Amenia Code including the Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 121-62 of the Zoning Code, the Planning Board hereby approves a Special Permit for the Project as described in the Application (“Special Permit”); and

**BE IT FURTHER RESOLVED**, that pursuant to Section 121-66 of the Zoning Code, the Planning Board hereby approves the following Site Plans for the Project prepared by Rennia Engineering Design, PLLC last revised June 28, 2016 (“Site Plan Approval”):

1. 3 Lane Indoor Subsurface Firing Range – Site Plan;
2. 3 Lane Indoor Subsurface Firing Range – Site Details;
3. 3 Lane Indoor Subsurface Firing Range – Erosions and Sediment Control Details; and

**BE IT FURTHER RESOLVED**, that pursuant to Section 121-62(G) of the Zoning Code and Sections 274-a and 274-b of the NYS Town Law, the Planning Board imposes the following conditions on the Special Permit and Site Plan Approval granted by this resolution:

1. At all times, the Applicant shall comply with the Site Plan Approval including, without limitation, all notes contained thereon;
2. No aboveground shooting except archery shall occur on the Property after a certificate of occupancy has been issued for the new underground shooting range.
3. The Applicant will address all comments contained in the Town’s Engineer Memorandum dated July 22, 2016 to the Engineer’s satisfaction;
4. Prior to the execution of the approved Site Plan by the Planning Board Chairperson, the Applicant shall pay the outstanding invoices of the Planning Board’s consultants incurred in connection with this Application; and
4. Any change to the approved Special Permit or Site Plan Approval may require amended approvals from the Planning Board.

**BE IT FURTHER RESOLVED**, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Site Plan upon the Applicant’s compliance with applicable conditions, if any, and the submission requirements stated herein, if any; and

**BE IT FURTHER RESOLVED**, that in accordance with Section 121-62(H) of the Zoning Code: (1) this Special Permit shall expire if (a) the Special Permit use ceases for more than 24 consecutive months for any reason, (b) the Applicant fails to obtain the necessary Building Permits or fails to comply with the conditions of the Special Permit within 12 months of its issuance, or (c) its time limit expires without renewal; (2) this Special Permit may be revoked by the Planning Board if the Applicant violates the Special Permit or its conditions or engages in any construction or alteration not authorized by the Special Permit; and (3) any violation of the Special Permit or its conditions shall be deemed a violation of the Zoning Code and shall be subject to enforcement action; and

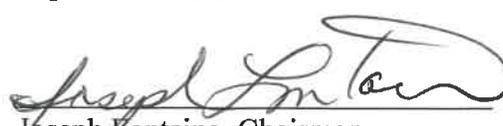
**BE IT FURTHER RESOLVED**, that in accordance with Section 121-68(E) of the Zoning Code: (1) this Site Plan Approval shall expire if the Applicant fails to commence construction, to obtain the necessary Building Permits, or fails to comply with the conditions of the Site Plan Approval within 18 months of its issuance, or if the Special Permit with which it is associated expires. The Planning Board may grant a one-time six-month extension; (2) this Site Plan Approval may be revoked by the Planning Board if the Applicant violates the Site Plan Approval or its conditions or engages in any construction or alteration not authorized by the Site Plan Approval; (3) any violation of the Site Plan Approval or its conditions shall be deemed a violation of the Zoning Code and shall be subject to enforcement action; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be filed in the office of the Town of Amenia Town Clerk within five (5) days of the date of this Resolution, and shall be mailed to the Applicant within the same five (5) day period.

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"/>	<input type="checkbox"/>
John Stefanopoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<input 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: Amenia, New York  
September 14, 2016

  
Joseph Fontaine, Chairman  
Town of Amenia Planning Board