



TOWN OF AMENIA

TOWN BOARD

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860 www.ameniany.gov

RESOLUTION NUMBER 26 OF 2017 SCHEDULING PUBLIC HEARING ON APPLICATION OF BEL-AIRE FARM, INC. FOR RENEWAL OF AN AIRFIELD PERMIT

At a meeting of the Town Board of the Town of Amenia ("Town Board") held at the Amenia Town Hall on the 3rd day of August, 2017, at 7:00 p.m., Town Supervisor, Victoria Perotti, called the meeting to order, and Victoria Perotti, seconded by Councilman Morris, moved the following resolution, to wit:

WHEREAS, Local Law No. 5 of 2001 entitled, "Airfield Prohibition", as amended by Local Law No. 2 of 2002, provided that certain pre-existing airfields may be continued in use on conditions set forth in Sections 4 and 5 of the Airfield Prohibition Law; and

WHEREAS, by Resolution No. 22 of 2002 dated November 21, 2002, the Town Board granted an airfield permit to Bel-Aire Farm, Inc. ("Bel-Aire") authorizing the continued use of the existing airfield on its property known as Parcel 6967-00-983502, Bel-Aire Farm Road in the Town of Amenia, New York (FAA National Flight Data Center location identifier NY46) ("the facility"); and

WHEREAS, by Resolution No. 39 of 2007, the Town Board granted the application for renewal of Bel-Aire's airfield permit authorizing continued use of the facility for a term of five (5) years, such term to expire on November 20, 2012, subject to renewal as provided in the Airfield Prohibition Law; and

WHEREAS, by Resolution No. 6 of 2012, the Town Board adopted Local Law No. 1 of 2012 so as to amend the Town Code by adding Section 121-46.1, entitled, "Airfield Prohibition"; and

WHEREAS, Section 121-46.1 of the Town Code provides that, as to "Existing airfields", an existing airfield may continue to be used after the effective date of this section if it complies with and meets the requirements of Sub-sections C and D; and

WHEREAS, by Resolution No. 35 of 2012, the Town Board granted the application of Bel-Aire Farm, Inc. for renewal of its airfield permit authorizing the continued use of its helipad facility, said permit to expire on November 20, 2017; and

WHEREAS, Bel-Aire Farm, Inc. has timely submitted an application for renewal of its airfield permit in accordance with Town Code Section 121-46.1 (D)(2), namely, within six months prior to expiration of its existing permit, and has attested, by Angie Lo, President of Bel-Aire Farm, Inc., in letter dated June 1, 2017, that: "Since the granting of the permit, Bel-Aire Farm, Inc. has operated the airfield in compliance with the applicable rules and regulations of the Town and any regulatory body having jurisdiction over such an airfield"; and

WHEREAS, the Town Attorney, Denise M. FitzPatrick, has made inquiry to the New York State Department of Transportation, Aviation Bureau, Albany, New York, on June 13, 2017, and has been advised that

such Aviation Bureau is not aware of any non-compliance by Bel-Aire Farm, Inc. with applicable rules and regulations with respect to said helipad facility; and

WHEREAS, the Town Attorney has made inquiry to the Town's Building Inspector/Code Enforcement Officer (Town CEO) on June 14, 2017, and has been advised that said Town CEO is not aware of any non-compliance by Bel-Air Farm, Inc. with applicable rules and regulations; and

WHEREAS, Bel-Aire Farm, Inc. has provided to the Town Attorney, as part of its application for renewal of its airfield permit, its Certificate of Registration as a General Aviation Airport from the New York State Department of Transportation for the registration period August 1, 2014 to July 31, 2017, and Bel-Aire Farm, Inc. has advised the Town Attorney that it has applied for a Certificate of Registration for the period August 1, 2017 to July 31, 2020, and has submitted its written security plan to the Department of Transportation and to the local law enforcement agencies having jurisdiction over its airfield facility, the New York State Police, and the New York State Office of Homeland Security, all in accordance with Section 14-m ("Airport Security") of the New York State Transportation Law, and that it is awaiting approval of such plan and issuance of a new Certificate of Registration; and

WHEREAS, it appears to the Town Board that (1) the airfield use commenced more than 15 years prior to the effective date of Section 121-46.1, (2) prior to December 31, 2002, the Town Board issued an airfield permit authorizing the continued operation of the airfield pursuant to Town of Amenia Local Law No. 5 of 2001, (3) the airfield use has been continuously operated without abandonment since issuance of the airfield permit by the Town Board and approval by the Commissioner of the New York State Department of Transportation pursuant to Section 249 of the General Business Law, and (4) the property owner/applicant has timely applied to the Town Board for renewal of its airfield permit prior to the expiration of the previously-issued permit on November 20, 2017 and is currently awaiting issuance of a new Certificate of Registration from the New York State Department of Transportation for operation as a General Aviation Airport, the owner has not transferred ownership of the subject property, and inquiries to the Town Code Enforcement Officer and the New York State Department of Transportation, Aviation Bureau, have not revealed any non-compliance with applicable rules and regulations of the Town and any regulatory bodies having jurisdiction over the operation of the airfield; and

WHEREAS, the Town Board desires to provide an opportunity to the public to comment upon and to submit evidence with respect to the application of Bel-Aire Farm, Inc. and/or its compliance with any rules and regulations of the Town and any regulatory body having jurisdiction over the operation of such airfield; and

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held in relation to said application of Bel-Aire Farm, Inc. as set forth in the form of notice hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard and to submit evidence, to be held at the Town Hall on August 17, 2017, at 7:00 o'clock p.m., and that notice of said hearing shall

be posted by the Town Clerk on the official signboard of the Town and shall be published in the Millerton News, the official newspaper of general circulation in the Town of Amenia, by the Town Clerk, at least five (5) days before such hearing, and that such notice shall be in the following form:

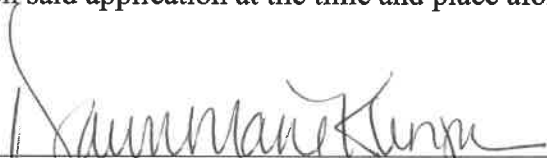
NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Amenia will hold a public hearing at the Town Hall, 4988 Route 22, Amenia, New York on August 17, 2017 at 7:00 o'clock p.m., on the application of Bel-Aire Farm, Inc. for renewal of its General Airfield Permit in accordance with Town Code Section 121-46.1.

TAKE FURTHER NOTICE, that copies of the aforesaid application will be available for examination at the Town of Amenia Town Hall, 4988 Route 22, Amenia, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing;

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard and/or to submit evidence on said application at the time and place aforesaid.

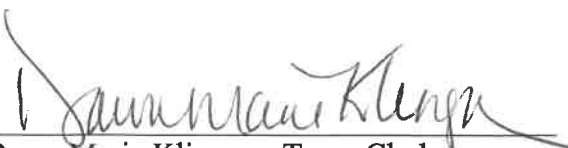
DATED: Amenia, New York
August 4, 2017


DAWN MARIE KLINGNER, TOWN CLERK

The foregoing resolution was voted on with all councilwomen and councilmen voting as follows:

Supervisor Perotti	Yes
Councilwoman Doyle	Yes
Councilman Morris	Yes
Councilman Gutierrez	Yes
Councilman DeLango	Yes

DATED: Amenia, New York
August 3, 2017


Dawn Marie Klingner, Town Clerk