



TOWN OF AMENIA

TOWN BOARD

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

RESOLUTION No. 36 of 2017

**INTRODUCING PROPOSED LOCAL LAW NO. 2 OF 2017 ENTITLED,
"A LOCAL LAW TO AMEND LOCAL LAW NO. 2 OF 2011 AS AMENDED BY
LOCAL LAW NO. 1 OF 2016 AND CONFIRM THE ADDITION TO THE ZONING
MAP OF THE TOWN OF AMENIA OF 65+/- ACRES OF LAND LOCATED ON
SINPATCH ROAD TO THE SOIL MINING OVERLAY (SMO) ZONING DISTRICT
SUBJECT TO CERTAIN CONDITIONS" AND TO SCHEDULE A PUBLIC HEARING
ON SAID LOCAL LAW AND TO AUTHORIZE PUBLICATION OF
NOTICE OF SAID PUBLIC HEARING**

At a meeting of the Town Board of the Town of Amenia, held at the Amenia Town Hall on the 7th day of September, 2017, at 7:00 p.m., Town Supervisor, Victoria Perotti called the meeting to order, and Supervisor Perotti, seconded by Councilman Gutierrez, to introduce the following Local Law to be known as Proposed Local Law No. 2 of 2017, entitled, "A Local Law to Amend Local Law No. 2 of 2011 as Amended by Local Law No. 1 of 2016 and Confirm the Addition to the Zoning Map of the Town of Amenia of 65+/- Acres of Land Located on Sinpatch Road to the Soil Mining Overlay (SMO) Zoning District Subject to Certain Conditions";

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Amenia as follows:

Section 1. Statement of Purpose and Intent.

The purpose of this resolution is to introduce Proposed Local Law No. 2 of 2017. The proposed local law is to amend Local Law No. 2 of 2011 (the "2011 Local Law") (as previously amended by Local Law No. 1 of 2016), which changed the Town of Amenia Official Zoning Maps by adding 65^{+/-} acres of land to the Soil Mining Overlay (SMO) Zoning District (the "Property") subject to certain conditions. The Property is a portion of a larger,

143.91^{+/-} acre parcel located on Sinpatch Road and owned by Ridgecrest Farms, Inc. (the "Applicant"), bearing Tax Parcel Number 7165-00-404090 ("Ridgecrest"). The Property is primarily located in the Town's Rural Residential (RR) zoning district with a small portion in the Hamlet Residential (HR) zoning district. The purpose of this proposed local law is to: (1) bring the provisions of Town Board Resolution 21 of 2013 into compliance with the Town Code; (2) permit certain limited residential and transit-oriented development uses on the Property within the area previously added to the SMO; and (3) otherwise confirm the boundaries of the SMO. Resolution 21 of 2013 approved a special permit for the Applicant's proposed mine on the Property.

As a condition of the zone change authorized by the 2011 Local Law, the Town Board concluded that the Applicant must grant the Town, or such other qualified conservation organization as the Town Board may designate, a conservation easement perpetually restricting future use of approximately 65^{+/-} acres of the Property in the SMO. This local law also required the easement to be recorded upon the approval of the special permit for the mine by the Town Board. However, the easement was never recorded, and therefore was not fully effective. Instead, pursuant to Resolution No. 21 of 2013, the Applicant was granted a special permit to operate its soil and gravel mine within the SMO district, and this resolution required the Applicant to provide seven (7) fully executed conservation easements, one for each phase of the mine, to be held in escrow by the Town and recorded only at the time of completion and full reclamation of each phase of the mining operation. This resolution could not legally modify the conservation easement recording requirements of the 2011 Local Law and was inconsistent with the Town Code provisions requiring this conservation easement to be recorded "upon receipt of all necessary permits to begin the mining operation." Town Code § 121-17(C)(3).

The Applicant has subsequently applied to the New York State Department of

Environmental Conservation (the “NYSDEC”) to modify its mining permits and to the Town Board to amend its special permit for Ridgecrest to permit mining in buffer areas between three adjacent mining properties. In connection with these applications for modified permits, the Town Board finds it necessary to bring the conservation easement recording requirements of Resolution No. 21 of 2013 into compliance with the Town Code and the 2011 Local Law.

The Applicant recently proposed potential limited residential development on the Property in the SMO, including up to two residential building envelopes of no more than two (2) acres each and an approximately 4.8-acre area for transit-oriented development within ½ mile of the Ten Mile River train station. Because the Town’s Comprehensive Plan Update (2007) finds it may be appropriate on reclaimed mining sites to extend land uses permitted in hamlet centers to adjacent lands, and Town Code § 121-16.G provides for transit-oriented development on lands within one-half mile of the Ten Mile River train station, the Applicant has proposed, pursuant to Town Code §§ 121-17 (C) (3) - (4), that certain portions of the Property within the SMO should not be covered by a conservation easement, but instead should be available for future residential and transit-oriented development to the extent allowed by the Town Code and subject to securing all necessary permits and approvals. The 2011 Local Law did not permit these limited residential and transit-oriented development uses on the Property in the SMO, and therefore the amendments in this proposed local law are required.

Section 2. Amendment of Local Law No. 2 of 2011 (as amended by Local Law No. 1 of 2016) and Official Zoning Map.

If the proposed local law is enacted, the 2011 Local Law (as amended by Local Law No. 1 of 2016) shall be amended as specifically set forth in the local law annexed hereto as Attachment A, subject to any further amendments prior to its final adoption.

Section 3. Effective Date.

This resolution shall become effective immediately. If enacted, the local law shall become effective immediately upon filing with the New York Secretary of State.

Section 4. Public Hearing.

Pursuant to the Municipal Home Rule Law and the Town Law of the State of New York, it is necessary to hold a public hearing on this local law and on the application for a modified special permit. The Town Board has determined that a joint hearing should be held on both.

Therefore a public hearing shall be held in relation to said Proposed Local Law and the application for a special permit amendment 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. This hearing shall be held at the Town Hall on October 5, 2017, at 7:00 o'clock p.m., and that notice of said hearing shall be published in the official newspaper of general circulation in the Town of Amenia by the Town Clerk, at least ten (10) 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 October 5, 2017 at 7:00 o'clock p.m., on proposed Local Law No. 2 of 2017, entitled, "A Local Law to Amend Local Law No. 2 of 2011 as Amended by Local Law No. 1 of 2016 and Confirm the Addition to the Zoning Map of the Town of Amenia of 65+/- Acres of Land Located on Sinpatch Road to the Soil Mining Overlay (SMO) Zoning District Subject to Certain Conditions"(the "Proposed Local Law"). The purpose of the Proposed Local Law is to (1) permit certain limited residential and transit-oriented development uses within the area of the Ridgecrest mine previously added to the Town's SMO on Sinpatch Road, specified as Tax Map No. 132000-7165-404090; (2) otherwise confirm the boundaries of the SMO for the Ridgecrest mine; and (3) to require a conservation easement on certain portions of the Ridgecrest mine within the SMO, while bringing the conservation easement recording provisions applicable to the Ridgecrest mine (as specified in Resolution No. 3 of 2013) into compliance with Local Law No. 2 of 2011 (as previously amended by Local Law No. 1 of 2016) and the Town Code; and

TAKE FURTHER NOTICE, that the Town Board of the Town of Amenia will also

hold a public hearing at the Town Hall, 4988 Route 22, Amenia, New York, on October 5, 2017 at 7:00 o'clock p.m., jointly with the hearing on the Proposed Local Law, on an application from Ridgecrest Farms, Inc. for an amendment of its special permit to conduct soil mining operations at the Ridgecrest mine within a 25' buffer area along the northern border of its property on Sinpatch Road, specified as Tax Map No. 132000-7165-404090, an approximately 0.8-acre area of additional mining activity (the "Special Permit Amendment"); and

TAKE FURTHER NOTICE, that copies of the aforesaid Proposed Local Law and Special Permit Amendment application materials 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 on said proposal at the time and place aforesaid.

DATED: Amenia, New York
September 7, 2017

DAWN MARIE KLINGNER,
TOWN CLERK

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

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

DATED: Amenia, New York
September 7, 2017


DAWN MARIE KLINGNER, TOWN CLERK

ATTACHMENT A

TOWN OF AMENIA, COUNTY OF DUTCHESS

STATE OF NEW YORK

LOCAL LAW ___ OF 2017

A Local Law to Amend Local Law No. 2 of 2011 as amended by Local Law No. 1 of 2016 and Confirm the Addition to the Zoning Map of the Town of Amenia of 65+/- Acres of Land Located on Sinpatch Road to the Soil Mining Overlay (SMO) Zoning District Subject to Certain Conditions.

BE IT ENACTED BY the Town Board of the Town of Amenia as follows:

Section 1. Legislative Purpose and Intent.

The purpose of this local law is to amend Local Law No. 2 of 2011 (the "2011 Local Law") as amended by Local Law No. 1 of 2016, which changed the Town of Amenia Official Zoning Maps by adding 65+/- acres of land to the Soil Mining Overlay (SMO) Zoning District (the "Property"). The Property is a portion of the larger, 143.91+/- acre parcel located on Sinpatch Road and owned by Ridgecrest Farms, Inc. ("Applicant"), bearing Tax Parcel Number 7165-00-404090. The Property is primarily located in the Town's Rural Residential (RR) zoning use district with a small portion in Hamlet Residential (HR). The purpose of this local law amendment is to permit certain limited residential and transit-oriented development ("TOD") uses within the Property previously added to the SMO and to otherwise confirm the boundaries of the SMO.

The 2011 Local Law added the Property to the SMO district and rendered it eligible for a special permit authorizing the use of the Property for a gravel mining operation. However, adding the Property to the SMO district does not guarantee that a special permit would be granted for any soil mining operation that the Applicant or subsequent property owners might propose. Any proposed soil mining operation on the Property would require, at a minimum, a Mined Land Reclamation Permit from the New York State Department of Environmental Conservation ("NYSDEC") and a special permit and site plan approval from the Town Board pursuant to the Town Code.

Accordingly, the decision to add the Property to the SMO district is limited to a threshold legislative determination that the Property is an appropriate location for potential soil mining operations. Any applicant proposing a soil mining operation on the Property following the adoption and confirmation of this zoning amendment must satisfactorily demonstrate that the proposed soil mining operation satisfies the applicable criteria for all necessary NYSDEC permits and for a Town soil mining special permit and site plan approval. No soil mining operations may be commenced on the Property unless and until those permits and approvals have been obtained.

In adopting this local law, the Town Board considered the Town of Amenia Comprehensive Plan Update (2007) and the Town of Amenia Zoning Law. Prior to the adoption of the 2011 Local Law, the Town Board also considered a Long Form Environmental Assessment Form ("EAF") and its attachments, including an extensive biodiversity study, a visual impact assessment, a noise impact assessment, a traffic study, an archeological report, and a plan for the closure of a former State-owned ash landfill partially located on a 0.9-acre portion of the Property. In adopting this local law, the Town Board has considered an additional Long Form EAF and a proposed conservation easement for the property.

The Comprehensive Plan Update states that soil mining should only be conducted "in a manner that does not annoy residential neighbors, detract from scenic views, harm the environment, damage town roads, or destroy valuable agricultural land." Accordingly, the Comprehensive Plan Update states that soil mining should be confined to an overlay district that identifies only those locations in the Town that are appropriate for soil mining operations, and that this overlay district should be mapped:

in areas that are not visible from major roads, that are reasonable distances from residential neighbors and environmental resources such as streams, wetlands, and important habitats, that

have convenient and direct access to state and county highways, and that have readily accessible sand and/or gravel deposits.

The Town of Amenia Zoning Law was adopted to implement the Comprehensive Plan Update, including the creation of the soil mining overlay district recommended by the Comprehensive Plan Update. Specifically, Section 121-17(A) of the Zoning Law states as follows:

As expressed in the Comprehensive Plan, the Town wishes to allow soil mining to provide jobs, produce needed building materials, and support agricultural operations, while protecting the rural peace and quiet enjoyed by Town residents. The Town will therefore allow commercial mining only in those locations where it will help promote the Town's goals of maintaining rural character with minimum disturbance to residential neighbors. The SMO District shall be mapped only where there are sand and gravel resources that have adequate highway access, sufficient buffering from nearby residences to avoid disturbance to residential neighbors, and minimal visual impact on publicly accessible places.

The Town Board previously concluded in the 2011 Local Law and hereby confirms its finding that adding the Property to the SMO district is consistent with the goals and objectives of the Comprehensive Plan Update and the Zoning Law. Specifically, the Town Board previously concluded and hereby confirms that the Applicant has satisfactorily demonstrated that the Property contains readily accessible gravel resources, that the Property has adequate access to state and county highways, that the Property has sufficient buffering to residential properties, and that the Property is well screened and has minimal visual impact on publicly accessible places.

Specifically, the Property is a 65+/- acre portion of a larger 143.91+/- acre parcel. An earlier version of Applicant's zoning petition sought to add the entire 143.91+/- acre parcel to the SMO district. However, the Applicant had revised the zoning petition by reducing the size of the proposed SMO district to the 65+/- acre Property, and by excluding 78.91+/- acres of land (the "Adjacent Premises"). The expansion of the SMO district was reduced to focus on the 65+/- acre Property in order to maintain a reasonable distance from environmentally sensitive resources and important habitats located within the Adjacent Premises, including wetlands, marble knolls, and mature forests located on a glacial terrace.

In connection with the adoption of the 2011 Local Law, the Applicant produced soil maps demonstrating that readily accessible gravel soils are located on the Property. The Applicant estimated that these readily accessible gravel resources will generate approximately 150,000 cubic yards of gravel production each year. Accordingly, the Town Board previously concluded and hereby confirms that the Property has the readily accessible gravel resources necessary to qualify for consideration as an appropriate location for potential soil mining operations.

The Applicant had also demonstrated that the Property has convenient and direct access to Sinpatch Road, a county-owned highway designated as County Route 4 and County Route 105. Sinpatch Road provides the Property with direct access to New York State Route 22. Although County Route 81 is also in the vicinity of the Property, the Applicant's traffic study stated that trucks will not be routed to County Route 81 in order to avoid the impacts that would be associated with routing that traffic through the more densely populated hamlet of Wassaic. Accordingly, the Town Board concluded and hereby confirms that the Property has adequate access to county and state highways to qualify for consideration as an appropriate location for potential soil mining operations.

Prior to the adoption of the 2011 Local Law, the SMO was comprised of four parcels of land located directly to the north and east of the Property. Three of these parcels abut the Property and/or the Adjacent Premises. The fourth parcel is adjacent to one of these three abutting parcels, and is in common ownership with that abutting parcel.

By excluding the environmentally sensitive areas located on the Adjacent Premises from the Property (and thereby excluding those 78.91+/- acres of land from the SMO district), the Applicant increased the buffer between the Property and neighboring residential properties. There are no residences within 500 feet of the Property, and the noise impact assessment identified the closest residence as being approximately 700 feet from the Property. Accordingly, the Town Board previously concluded and hereby confirms that the Property is sufficiently buffered from residential properties to qualify for consideration as an appropriate location for potential soil mining operations.

The visual impact assessment demonstrated that the Property is well-screened and has minimal visibility from public places. The Property is not visible from NYS Route 22 or Sinpatch Road. No scenic areas of statewide significance with views of the Property have been identified by this visual impact assessment. Although the 488-acre Wassaic Multiple Use Area ("WMUA") managed by the NYSDEC is located in the vicinity of the Property, there are no scenic overlooks from the public trails located within the WMUA, and the screening provided by the heavy hardwood and hemlock forest that dominate the WMUA prevents views of the Property during leaf-off conditions. Intervening topography also prevents views of the Property from the Appalachian Trail and from Macedonia Brook State Park.

The Property is visible from the Castle Gate residential area located to the south of the Property. However, the mining operation will be limited to 5 acres of active mining at a time, will be primarily conducted on the mine floor located 40 feet below the existing ground surface, will use mining equipment with heights substantially less than 40 feet in height, will stockpile materials at heights substantially less than 40 feet high, and will move incrementally from north to south in order to screen the majority of the mining operations from the Castle Gate residential area. Accordingly, the Town Board previously concluded and hereby confirms that the Property has sufficient screening and minimal visibility from publicly accessible places to qualify for consideration as an appropriate location for potential soil mining operations.

Finally, the Town Board notes that the mining operation will be of limited duration.

As a condition of this local law, the use of the Property will be perpetually limited to agriculture, forestry, recreation, and limited residential and transit-oriented development ("TDO") uses as set forth below to the extent permitted by the Town Zoning Law and subject to all necessary permits and approvals

By contrast, under zoning in place prior to the SMO's expansion in the 2011 Local Law, the Property could have been developed as a residential housing development containing as many as 13 single-family homes throughout the Property. This kind of residential development of the Property would permanently alter the appearance of the Property.

Accordingly, unlike the permanent impacts associated with an as-of-right residential development of the Property, upon completion of the mining operation the Property will be fully reclaimed and will be restored to an appearance that is consistent in texture, form, line, color, scale and spatial character with its surroundings.

Section 2. Authority.

This local law is adopted pursuant to the Municipal Home Rule Law, which expressly authorizes the Town Board to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law relating to its property, affairs or government. This local law is also adopted pursuant to Town Law Section 261, which expressly authorizes the Town Board by local law or ordinance "to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes."

Section 3. Conservation Easement and Transit-Oriented Development Area.

Pursuant to Section 121-17.C of the Town of Amenia Zoning Law, because the right to mine the Property adds considerable value to that land, the Town deems the financial return from allowing mining of the Property sufficient to justify restricting future use of the land to mining, agriculture, forestry, recreation and limited residential and transit-oriented development as discussed below.

As a condition of the rezoning authorized by the 2011 Local Law, the Town Board concluded that Applicant must grant the Town, or such other qualified conservation organization as the Town may designate, a conservation easement perpetually restricting future use of the Property to mining, agriculture, forestry, and recreation. However, the easement required by the 2011 Local Law was never recorded, and therefore was not fully effective.

As a condition of this local law, the Town Board re-confirms that the Applicant must grant the Town, or such other qualified conservation organization as the Town may designate, a conservation easement perpetually restricting future use of the Property within the SMO to mining, agriculture, forestry, recreation, and limited residential uses as discussed below (the "Easement Area"). The location of the Easement Area is shown on the map annexed hereto as Exhibit A. This conservation easement shall comply with the requirements of Section 121-20(K) of the Town of Amenia Zoning Law, and shall be in form acceptable to the Town Board with the consultation and advice of the Town Attorney. The conservation easement shall be executed in recordable form, and shall be held in escrow by the Town Attorney pending final approval of a Town soil mining special permit or amended special permit and the Applicant's receipt of all necessary NYSDEC permits. Upon such approval(s) and receipt of NYSDEC permits, the Town Attorney shall record the conservation easement in the Dutchess County Clerk's Office.

Specifically, this local law amends the 2011 Local Law to permit certain limited residential and TOD uses on the portion of the Property within the SMO as follows:

(a) Residential uses shall be limited on the Property to be covered by the conservation easement to two houses with accessory structures to be located in up to two residential building envelopes, one for each house. The location of these houses may not be known until the Property has been mined and reclaimed. Therefore, the conservation easement shall provide that before either house can be built, its location and configuration must be approved by the Town Board to ensure it is consistent with the purposes of the easement and in compliance with all provisions of the Zoning Law. Because non-farm dwellings are not permitted in the conservation easement area pursuant to Section 121-20 (K)(3) of the Zoning Law, under the terms of the easement, the acreage of the residential building envelopes is excluded from the easement. The two residential building envelopes will include no more than two (2) acres each, for a total of four (4) acres within the Easement Area. The final locations of these building envelopes shall be determined when they are approved (individually each "Easement Exclusion Area" and collectively, the "Easement Exclusion Areas"). The Applicant shall provide the legal description of each Easement Exclusion Area in recordable form for approval by the Town Board and Town Attorney. No building permits may be issued for construction of any residential and/or related accessory structures in a particular Easement Exclusion Area until (i) the legal description for that Easement Exclusion Area has been approved by the Town Board; (ii) the Conservation Easement has been amended to show the Easement Exclusion Acre(s); and (iii) the amended easement has been recorded in the Dutchess County Clerk's office. The overall acreage of the conservation easement will not include the Easement Exclusion Areas, which will total no more than four (4) acres. Therefore, the conservation easement will restrict no less than 56.2 acres of the Property within the SMO to mining, agriculture, forestry and recreation uses.

(b) As shown on Exhibit B and as described by metes and bounds in Exhibit C hereto, an approximately 4.8-acre portion of the Property located in the SMO within one-half mile of the Ten Mile River railroad station shall not be covered by the conservation easement, but shall allow for TOD to the extent allowed by the Zoning Law, including Section 121-16(G) (the "TOD Area"), and subject to all necessary permits and approvals, including a special permit from the Town Board as provided in Section 121-17(C)(4) of the Zoning Law. In addition, Chapter 2 of the Town's 2007 Comprehensive Plan Update, Soil Mining Section 2(F) provides for an exception to the general rule of "no future development" on reclaimed mining sites where the land is particularly well-suited to a more developed use, such as land lying close to a hamlet center that would make a good extension of the hamlet. The Town Board finds that the TOD Area shown on Exhibit B and described in Exhibit C, is appropriate for such an exception and therefore concludes pursuant to Sections 121-17(C)(3) - (4) of the Zoning Law that the TOD Area should not be covered by a conservation easement, but should be available for TOD, to the extent permitted by the Zoning Law and subject to all necessary permits and approvals.

The Town Board finds that the limited additional development to be allowed within the Easement Exclusion Area(s) and the TOD Area will ensure that needed development can occur in the Town while still providing the Town with a substantial area of protected land in accordance with the Town Comprehensive Plan and Sections 121-17(C) and 121-16(G) of the Zoning Law.

Section 4. Zoning Maps and Legal Description..

Pursuant to Sections 121-8, 121-17, and 121-69 of the Town of Amenia Zoning Law, the amendments to the Official Zoning Maps that were adopted, as amended by Local Law 1 of 2016, are hereby confirmed, and the real property described therein confirmed as added to the Soil Mining Overlay (SMO) zoning use district.

The real property that was subject to the above-described zoning amendment consisted of 65+/- acres of land, being a portion of a larger, 143.91+/- acre parcel of land owned by Ridgecrest Farms, Inc., and bearing Tax Parcel Number 7165-00-404090. The real property is located on Sinpatch Road, and is in the Town of Amenia's Rural Residential (RR) and Hamlet Residential zoning use districts.

The 65+/- acre parcel of land that is the subject of this zoning amendment is further described as follows:

Ridgecrest Farm Proposed Soil Mining Overlay District

All that certain piece or parcel of land lying and situate in the Town of Amenia, County of Dutchess, and State of New York, being more particularly bounded and described as follows,

Beginning at a point marked by a concrete monument found on the northerly line of lands now or formerly Shope (doc #2-2005-2913) (now Ridgecrest Farms, Inc. [doc#2-2011-891]), and the southerly line of lands now or formerly Amenia Sand and Gravel (doc #2-2000 11756), running thence through lands now or formerly Shope (now Ridgecrest Farms, Inc. [doc#2-2011-89]),

1. S 02o21'02" E, 475.81'
2. S 26o39'19" W, 430.67'
3. N 78o22'34" W, 247.21'
4. N 01o01'33" W, 228.79'
5. N 79o56'09" W, 128.35'
6. S 18o41'54" W, 397.49'
7. S 67o01'26" E, 347.43'
8. S 24o21'58" W, 826.89'
9. S 24o28'06" E, 136.44'
10. S 85o27'47" E, 361.66'
11. S 19o22'28" E, 168.89'
12. S 31o40'40" W, 350.82'
13. N 85o53'47" W, 438.37', to the southerly line of lands now or formerly Shope (doc#2-2005-2913) (now Ridgecrest Farms, Inc. [doc#2-2011-89]), and the northerly line of lands now or formerly State of New York Wassaic State Campus,
14. Westerly on a curve to the left having a radius of 325.00' and an arc length of 222.77' (chord bearing N 52o43'54" W, 218.43')
15. N 72o25'05" W, 38.78'
16. Southwesterly on a curve to the left having a radius of 155.00' and an arc length of 166.09'
17. Westerly on a curve to the right having a radius of 200.36' and an arc length of 142.04'

18. S 86o48'08" W, 74.44', to the northwest corner of lands now or formerly State of New York Wassaic State Campus, running thence through lands now or formerly Shope (now Ridgcrest Farms, Inc. [doc.#2-2011-89]),

19. N 87o52'34" W, 816.28'

20. N 53o58'39" W, 101.07'

21. N 32o56'03" E, 277.97'

22. N 17o21'31" E, 198.74'

23. S 63o25'27" E, 300.90'

24. N 30o01'25" E, 503.40'

25. N 08o39'10" E, 368.21'

26. N 17o55'30" W, 255.83'

27. N 04o57'04" E, 211.41'

28. N 05o43'45" W, 185.56'

29. N 42o16'11" E, 155.04'

30. S 77o17'15" E, 224.30'

31. S 88o51'44" E, 89.77'

32. N 65o51'34" E, 85.60'

33. N 51o27'46" E, 92.49'

34. N 21o54'28" E, 79.55'

35. N 11o18'10" E, 190.09', to the northerly line of lands now or formerly Shope (doc#2-2005-2913) (now Ridgcrest Farms, Inc. [doc#2-2011-89]), and the southerly line of lands now or formerly Amenia Sand and Gravel (doc#2-2000-11756),

36. S 87o04'16" E, 859.27'

37. N 33o49'44" E, 200.60', back to the point of Beginning.

Containing 64.84 acres of land.

A map showing the metes and bounds described above is included as Exhibit D.

The Official Zoning Maps of the Town of Amenia have been amended to conform with the map attached hereto showing the revised Soil Mining Overlay District as established by the adoption of the 2011 Local Law, as amended by Local Law No. 1 of 2016 and confirmed by the adoption of this local law. Pursuant to Section 121-8 of the Town of Amenia Zoning Law, the Official Zoning Maps have been updated to reflect this amendment immediately following the filing of Local Law No. 2 of 2011 and Local Law No. 1 of 2016 with the Secretary of State. Pursuant to Section 121-8 of the Town of Amenia Zoning Law, the Town Clerk shall also note the adoption of this local law on the Official Zoning Maps promptly after this law has been filed with the Secretary of State.

Section 5. Effective Date.

The local law shall take effect immediately upon filing with the New York State Secretary of State.

Section 6. Ratification, Re-Adoption and Confirmation.

Except as specifically modified and amended by this local law, Local Law No. 2 of 2011 and Local Law No. 1 of 2016 shall otherwise remain in full force and effect and are otherwise ratified, re-adopted and confirmed. To the extent the provisions of this local law are inconsistent with any provision of Local Law No. 2 of 2011 and/or Local Law No. 1 of 2016, the provisions of this local law shall govern.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be held by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.