



TOWN OF AMENIA

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Amenia Town Clerk

JUN 28 2022

Received

TOWN OF AMENIA PLANNING BOARD

Resolution # 8 for 2022

Granting Site Plan Approval to Lower Hudson Forestry Services, LLC for Selective Timber Harvesting on Deep Hollow Road

June 22, 2022

WHEREAS, Deep Hollow Game Preserve, LLC is the owner of approximately 364.68± acres of land located at 253 Deep Hollow Road (SBL #7065-00-596985) in Amenia, New York (the “Property”); and

WHEREAS, Lower Hudson Forestry Services, LLC (the “Applicant”) has been authorized by the Property owner to manage the selective timber harvesting of a total of 881 trees on approximately 25 acres of the Property (the “Project”); and

WHEREAS, the proposed Project is located in the Rural Agricultural (RA) Zoning District and Upland Aquifer Overlay District. Portions of the Property, not including the lands involved in the Project, are situated in the Stream Corridor Overlay and the Scenic Protection Overlay; and

WHEREAS, pursuant to Section 121-47 of the Town of Amenia Zoning Law (the “Zoning Law”), site plan approval is required for timber harvesting; and

WHEREAS, pursuant to Article IX of the Zoning Law on or around April 11, 2022, the Applicant submitted an application to the Planning Board seeking site plan approval for the Project; and

WHEREAS, pursuant to the Zoning Law, timber harvesting is permitted in the RA zoning district subject to site plan approval from the Planning Board; and

WHEREAS, the documents submitted by the Applicant as part of its application consisted of, among other things, (1) a cover letter and Land Use Application; (2) a SEQRA Short Environmental Assessment Form; (3) a forest management plan; (4) an Agricultural Data Statement; (5) the requisite filing fee and escrow amount for the application; and (6) maps of affected areas and a variety of additional documentation (the “Application”); and

WHEREAS, the Planning Board and its consultants reviewed and considered all of the above-referenced documents submitted by the Applicant as part of its Application; and

WHEREAS, the Planning Board has determined that the Project is an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, on June 22, 2022, the Planning Board adopted a SEQRA Negative Declaration 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 Law and other chapters and regulations of the Town Law, and will be consistent with the purposes of the Zoning Law and the RA zoning district; and

WHEREAS, the Planning Board has determined that the Project will comply with the applicable site plan criteria set forth in Section 121-65(D) of the Zoning Law and will not adversely affect neighboring properties; and

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

WHEREAS, the Planning Board conducted a public hearing on the Project on June 8, 2022, which it closed after providing an opportunity for public comment; and

WHEREAS, the Applicant's forester met with Mr. McClellan, a neighboring land owner, to review the timber harvesting that will occur along the neighbor's property line and address any concerns.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 121-65 of the Town's Zoning Law, the Planning Board hereby approves the Application for timber harvesting on the Property; and

BE IT FURTHER RESOLVED, that pursuant to Section 274-a of the New York State Town Law and the Zoning Law, the Planning Board imposes the following conditions on the approval of the Application granted by this resolution:

1. Prior to undertaking the Project on the Property, a financial guarantee (ie, bond, cash, letter of credit, etc.) shall be submitted to the Planning Board in the amount of \$10,000.00 to ensure proper erosion control, stormwater management, reforestation maintenance and protection of roads on and off the Property from damage relating to the timber harvest, stormwater or trucking. The financial guaranty must be approved by the Town Attorney and Town Board as to form, sufficiency, manner of execution and surety; and
2. Prior to undertaking the Project on the Property, the Applicant shall pay the outstanding invoices of the Planning Board's consultants incurred in connection with reviewing the Application; and
3. Prior to undertaking the Project on the Property, the Applicant shall meet with and obtain any direction or approvals required from the Town of Amenia and Town of Washington Highway Departments and shall comply with such direction and/or approvals prior to and during the undertaking of the Project. The financial guarantee noted above shall not be released until approved by both highway departments; and

4. All trucks used for the timber harvest shall travel to/from the Property on Deep Hollow Road between the Property and the intersection with U.S. Route 44. No trucks shall travel to/from the Property on Deep Hollow Road between the Property and the intersection with NYS Route 22/343; and
5. The Applicant shall not load, park or stage trucks on Deep Hollow Road or on private driveways or rights-of-way along the road. The road shall not be closed during Project operations; and
6. Project operations shall at all times comply with the requirements of Chapter 80 of the Code of Amenia pertaining to noise, shall not occur on Saturdays, Sundays or legal holidays and Project operations shall be limited to between 8:00 am and 6:00 pm on weekdays; and
7. Any proposed change to the approved Application or with respect to the conditions of this approval may require amended review and approval from the Planning Board as determined in the discretion of the Planning Board Chairperson; and

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chair to stamp and sign the approved site plans (“Site Plan Approval”) upon the Applicant’s satisfaction of Conditions 1 - 3 as set forth above; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-68(E) of the Town’s Zoning Law: (1) the Site Plan Approval shall expire if the Applicant fails to undertake the Project, obtain any necessary building permit, or to comply with the applicable conditions of this Site Plan Approval within 18 months of its issuance. The Planning Board may grant a one-time six-month extension; (2) the 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 Approval; (3) any violation of this Site Plan Approval or its conditions shall be deemed a violation of the Zoning Law 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.

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

Motion by:

Second by:

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

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Robert Boyles, Jr., Chair	✓ _____	_____	_____	_____
John Stefanopoulos	✓ _____	_____	_____	_____

James Walsh

_____ ✓

Neal Kusnetz

_____ ✓

Matthew Deister

_____ ✓

Nina Peek

_____ ✓

Anthony Robustelli

_____ ✓

Dated: June 22, 2022

Amenia, New York

Judy Westfall

Judy Westfall, Planning Board Clerk