



TOWN OF AMENIA
TOWN BOARD

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 www.ameniany.gov

RESOLUTION No. 51 of 2022

RE: RESOLUTION APPROVING APPLICATION OF BEL-AIRE FARM, INC. FOR RENEWAL OF AN AIRFIELD PERMIT

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, by Resolution No. 29 of 2017, 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, 2022; 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 Honora Beirne, President of Bel-Aire Farm, Inc., in a letter dated June 8, 2022, that: “Since the granting of the permit, Bel-Aire Farm, Inc. has operated the airfield in compliance with the application rules and regulations of the Town and any regulatory body having jurisdiction over such an airfield”; and

WHEREAS, the Attorney to the Town, Ian C. Lindars, Esq., has made inquiry to the New York State Department of Transportation, Aviation Bureau, Albany, New York, on June 14, 2022 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, 2022, and has been advised that said Town CEO is not aware of any non-compliance by Bel-Air Farm, Inc. with application 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, 2020 to July 31, 2023, 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

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, 2022 and has provided a current 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 or any regulatory bodies having jurisdiction over the operation of the airfield; and

WHEREAS, the Town Board has invited members of the public to provide comment on the renewal application of Bel-Aire Farm, Inc. at a public hearing held on July 21, 2022 and to present evidence of any instances in which the applicant has failed to operate the airfield in compliance with the applicable rules and regulations of the Town or any regulatory body having jurisdiction over the operation of such airfield; and

WHEREAS, in the time provided by the Town Board for public comment, or the submission of evidence, the Town Board has not received any information suggesting that the applicant has failed to operate the airfield in compliance with the applicable rules and regulations of the Town or any regulatory body having jurisdiction over the operation of the airfield; and

WHEREAS, the approval and renewal of such airfield permit is a Type II under the New York State Environmental Quality Review Act (“SEQRA”), namely, a permit renewal where there will be no material change in the permit conditions or the scope of the permitted activities (6 NYCRR 617.5 (c) (32)) and, therefore, is not subject to SEQRA review.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations set forth above are incorporated in this Resolution as if fully set forth and adopted herein.
2. That the application of Bel-Aire Farm, Inc. for renewal of its airfield permit authorizing the continued use of the facility is hereby granted, the term of such renewal permit to expire on November 20, 2027, with said permit to be eligible for renewal as provided by the Town Code.
3. That this Resolution shall take effect immediately.

Motioned By: Perotti

Seconded By: Blackman

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

Supervisor Perotti	Aye
Councilwoman Doyle	Aye
Councilman Gutierrez	Absent
Councilman Blackman	Aye
Councilman Rebillard	Aye

Dated: Amenia, New York
July 21, 2022


DAWN MARIE KLINGNER, TOWN CLERK