



TOWN OF AMENIA TOWN BOARD

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

RESOLUTION No. 61 of 2022

RE: RESOLUTION APPROVING PERFORMANCE BOND RENEWAL AND RESTORATION OF A TELECOMMUNICATIONS FACILITY OWNED BY SBA 2012 TC ASSETS, LLC

WHEREAS, on or about January 9, 2002, the Town of Amenia Zoning Board of Appeals (“ZBA”) granted a special use permit and area variance authorizing Nextel of New York, Inc. (“Nextel”), to construct a telecommunications tower and related facilities on a wooded portion of a 10.53 acre parcel of land abutting Route 44, owned by Carlton P. Bates and Merium R. Bates, bearing Tax ID No. 7067-00-572230 (the “Property”); and

WHEREAS, the approved telecommunications tower and related facilities include a 120-foot monopole with antennas mounted thereon, and related equipment and improvements at the base thereof, subject to the conditions and approval set forth therein (the “Facility”); and

WHEREAS, on or about February 7, 2002, the Town of Amenia Planning Board (“Planning Board”) granted site plan approval authorizing construction of the Facility on the Property, subject to the conditions of approval set forth therein; and

WHEREAS, after construction of the Facility, in 2011 the successor in interest to Nextel as the owner of the Facility, TowerCo Assets LLC (“TowerCo”) applied to the ZBA and Planning Board for renewal of the special use permit, variance and site plan review approvals for the Facility (the “Renewal Applications”); and

WHEREAS, on or about December 15, 2011, the ZBA and Planning Board approved the Renewal Applications for the constructed Facility subject to several conditions and required the renewal of the special use permit, variance and site plan review approvals within 10 years (the “2011 Approvals”); and

WHEREAS, on or about November 8, 2021, as required by the 2011 approvals, the successor in interest to Tower Co., SBA 2012 TC Assets, LLC (“SBA”, or the “Applicant”), applied to the ZBA and Planning Board for renewal of the 2011 Approvals (the “2021 Application”); and

WHEREAS, on or about December 8, 2021, the ZBA and Planning Board approved the Renewal Applications for the constructed Facility subject to several conditions including the renewal of the performance bond insuring the removal of the Facility and the restoration of the Property (the “2021 Approvals”); and

WHEREAS, pursuant to the 2021 Approvals, SBA must provide an updated reclamation bond in an amount approved by the Town Engineer and in a form acceptable to the Town’s Planning Board Attorney and the Town Board of Amenia; and

WHEREAS, SBA has submitted a draft Performance Bond with an updated estimate for the cost of removal of the telecommunications tower for review and approval by the Town Board of the Town of Amenia, a copy of which is annexed hereto; and

WHEREAS, the Town Engineer has reviewed the draft performance bond and determined that the amount is sufficient to cover the costs of removing the Facility and restoring the Property to an acceptable condition; and

WHEREAS, the draft Performance Bond has been reviewed and approved by the Town's Planning Board Attorney.

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 Town Board of the Town of Amenia, upon review and due consideration, hereby approves the form of the Performance Bond in the amount of \$37,000.00 and such approval shall be conditioned upon:
 1. Final review and approval of all necessary exhibits to the Performance Bond by the Attorney to the Town;
 2. The addition of any necessary information which is currently not inserted therein; and
 3. Making of any minor revisions to the Performance Bond to effectuate the purpose and intent of the Bond and this Resolution.
3. Upon the effective date of this Bond No. CMS0345656, the prior Bond bound unto the Town of Amenia [Surety Bond # CMS249160] to cover the costs of removing the Facility and restoring the Real Property to an acceptable condition shall be null and void and will be returned to the Principal.
4. That this Resolution shall take effect immediately.

Motioned By: Perotti

Seconded By: Doyle

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

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

Dated: Amenia, New York
August 18, 2022


DAWN MARIE KLINGNER, TOWN CLERK