



TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

Resolution # 2 for 2023

June 14, 2023

Resolution Approving Minor Subdivision/Lot Line Change for Petkovich and Reinheimer

WHEREAS, Alan Petkovich is the owner of 1.55± acres of land located at 14 Springview Drive, Dover Plains, New York (Parcel Grid Identification Number: 7064-02-538680) (“Lot 1”) and Paul Reinheimer is the owner of 3.39± acres of land located at 28 Springview Drive, Dover Plains, New York (Parcel Grid Identification Number: 7064-02-538722) (“Lot 2”); and

WHEREAS, Lots 1 and 2 are located in the Suburban Residential Zoning District and the Upland Aquifer Overlay District, as set forth in the Town of Amenia Zoning Law (the “Zoning Law”); and

WHEREAS, on or about May 2, 2023, Alan Petkovich and Paul Reinheimer (together, the “Applicants”) submitted a Subdivision – Lot Line Plat Plan Application for a lot line adjustment pursuant to Chapter 105, Article III of the Town of Amenia Subdivision Law (“Subdivision Law”) for the purpose of swapping two parcels of 0.14± each from Lots 1 and 2 to make their respective lots more useable (the “Application”); and

WHEREAS, the parcel swap will provide an access improvement for Lot 2 and corrects an encroachment of an existing structure on Lot 1, apparently bringing the structure into conformance with zoning requirements; and

WHEREAS, in accordance with the definitions in Section 105, Appendix A of the Subdivision Law, a lot line adjustment is classified as a minor subdivision; and

WHEREAS, pursuant to Section 105, Appendix C of the Subdivision Law, the documents submitted by the Applicants as part of its Application consisted of (1) a completed Land Use Application, (2) completed Subdivision-Lot Line Preliminary and Final Plat Plan Applications, (3) a Short Environmental Assessment Form (“EAF”), (4) an Agricultural Data Statement, (5) a drawing entitled “Lot Line Alteration Map Prepared For Petkovich and Reinheimer” prepared by Spencer S. Hall, dated April 12, 2023, (6) a completed Authorization of Agent form, and (7) the requisite filing fee and escrow amount for the Application; and

WHEREAS, the Town of Amenia Planning Board (“Planning Board”) reviewed and considered all the above referenced documents submitted by the Applicants as part of its Application; and

WHEREAS, County referral under General Municipal Law 239-m was not required because the application constitutes a minor subdivision application, which the Dutchess County Planning Department is not authorized to review; and

WHEREAS, this lot line adjustment is a Type II action under Section 6 NYCRR 617.5(c)(16) of the New York State Environmental Quality Review Act (“SEQRA”) because it involves granting a lot line adjustment; and

WHEREAS, on May 16, 2023, the Planning Board deemed the application to be complete for purposes of scheduling a public hearing; and

WHEREAS, a properly noticed public hearing was held by the Planning Board, on June 14, 2023, in accordance with Section 105-35 of the Subdivision Law, and Section 276 of the New York State Town Law; and

WHEREAS, the Planning Board has determined that the action requested in the Application will reduce the existing nonconformity on Lot 1 to comply with the land use district and other specific requirements of the Zoning Law and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Law and of the SR Zoning District.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 105-11 of the Subdivision Law, the Planning Board hereby approves the minor subdivision plan entitled “Lot Line Alteration Map Prepared For Petkovich and Reinheimer” prepared by Spencer S. Hall, dated April 12, 2023, subject to the following conditions:

1. The Applicants shall provide the Planning Board attorney copies of the deeds for the transfer of 0.14 acres from Lot 1 to Lot 2 and of 0.14 acres from Lot 2 to Lot 1 to confirm form and adequacy; and
2. Prior to the execution of the approved minor subdivision plan, the Applicants shall address the comments in the memorandum dated, May 16, 2023 from the Town Engineer, Rohde, Soyka & Andrews, to the satisfaction of the Engineer; and
3. Prior to the execution of the approved minor subdivision plan, the Applicants shall pay the outstanding invoices of the Planning Board’s consultants incurred in connection with this Application.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the approved minor subdivision plans upon the Applicants’ compliance with the above-applicable conditions, and the submission requirements stated herein, if any; and

BE IT FURTHER RESOLVED, that pursuant to Subdivision Law Section 105-13(E), no changes, erasures, modifications or revisions shall be made on any final plat after approval has been given by the Planning Board and signed by the Planning Board Chair. In the event that any final plat, when recorded, contains any such changes, the plat shall be considered null and void,

and the Planning Board shall institute proceedings to have said plat stricken from the records of the Dutchess County Clerk's Office and the Town Clerk's Office; and

BE IT FURTHER RESOLVED, that within five (5) days of the date of this resolution, a copy of this resolution shall be filed in the office of the Town of Amenia Town Clerk, and a copy of this resolution shall be mailed to the Applicants within the same five (5) day period; and

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

Motion By: Matt Deister

Second By: Jim Walsh

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	_____	_____	_____	<u>✓</u>
Anthony Robustelli	<u>✓</u>	_____	_____	_____
James Walsh	<u>✓</u>	_____	_____	_____
John Stefanopoulos	<u>✓</u>	_____	_____	_____
Neal Kusnetz	_____	_____	_____	<u>✓</u>
Nina Peek	_____	_____	_____	<u>✓</u>
Matthew Deister	<u>✓</u>	_____	_____	_____

Dated: June 14, 2023
Amenia, New York

Judy Westfall
Judy Westfall, Planning Board Clerk