



TOWN OF AMENIA

Amenia Town Clerk

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 TEL: 845-373-8860, x118 FAX: 845-373-9147

TOWN OF AMENIA PLANNING BOARD

Resolution # 3 for 2023

Adopting a Negative Declaration Under the State Environmental Quality Review Act (“SEQRA”) for Tower Hill Subdivision

June 14, 2023

WHEREAS, Tower Hill 2014 LLC, (“Applicant”) is the owner of 165.42± acres of land located at 365-381 Tower Hill Road, Amenia, New York (Parcel Grid Identification Number: 132000-7065-00-266271) (the “Property”);

WHEREAS, the Property is located in the Rural Agricultural Zoning District and Scenic Protection and Aquifer Overlay districts as set forth in the Town of Amenia Zoning Law (the “Zoning Law”); and

WHEREAS, the Applicant proposes to subdivide the Property into three lots of 44.79±, 88.29± and 32.36± acres in size (the “Project”); and

WHEREAS, pursuant to Chapter 105 of the Town of Amenia Town Code the Applicant submitted an application to the Town of Amenia Planning Board (“Planning Board”) for approval of the Project as a minor subdivision consisting of: (1) a Land Use Application; (2) a SEQRA Short Environmental Assessment Form (“SEAF”), Part 1; (3) a detailed subdivision plan, last revised May 8, 2023; (4) an Agricultural Data Statement; (5) the requisite filing fee and escrow amount for the application; and (6) a variety of additional documentation (the “Application”); and

WHEREAS, after reviewing the Application and Part 1 of the SEAF, the Planning Board confirmed that the Project is an unlisted action under SEQRA, and has proceeded with uncoordinated review of the Project under SEQRA pursuant to 6 NYCRR § 617.6(b)(4); and

WHEREAS, the SEQRA regulations provide that for an unlisted action “the lead agency making a determination of significance must: (1) consider the action as defined in sections 617.2(b) and 617.3(g) of [SEQRA]; (2) review the EAF, the criteria [for determining significance contained in SEQRA] and any other supporting information to identify the relevant areas of environmental concern; (3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment; and (4) set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation”; and

WHEREAS, the SEQRA regulations also provide that “[t]o determine whether a proposed ... Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in [section 617.7(c)(1) of the SEQRA regulations]”; and

WHEREAS, after reviewing Part 1 and completing Parts 2 and 3 of the SEAF; after reviewing all the other information submitted to the Planning Board by the Applicant; and after reviewing the criteria for determining significance set forth under Section 617.7(c)(1) of the SEQRA regulations, on May 24, 2023 the Planning Board issued a Negative Declaration determining that no significant adverse environmental impacts will be created by the Project.

WHEREAS, as required by SEQRA, the Planning Board has prepared a written elaboration as to why the Project will have no significant adverse environmental impacts, and why the issuance of a Negative Declaration is appropriate.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Planning Board issues a SEQRA Negative Declaration for the Project concluding that the Project will not create any significant adverse environmental impacts and a draft environmental impact statement will not be prepared; and
2. The Planning Board adopts and incorporates herein by reference, the attached written Negative Declaration for the Project; and
3. The Planning Board directs the filing of this Negative Declaration as required by NYCRR § 617.12. 6

Motion by: Matt Deister Seconded by: Tony Robustelli

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	_____	_____	_____	_____✓
Anthony Robustelli	_____✓	_____	_____	_____
James Walsh	_____✓	_____	_____	_____
John Stefanopoulos	_____✓	_____	_____	_____
Neal Kusnetz	_____	_____	_____	_____✓
Nina Peek	_____	_____	_____	_____✓
Matthew Deister	_____✓	_____	_____	_____

Dated: June 14, 2023
 Amenia, New York

Judy Westfall
 Judy Westfall, Planning Board Clerk

RECEIVED

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Amenia Town Clerk

Town of Amenia Planning Board

State Environmental Quality Review Act
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: June 14, 2023

This notice is issued pursuant to the State Environmental Quality Review Act, Article 8 of the NYS Environmental Conservation Law and its implementing regulations at Part 617 of the New York State Code of Rules and Regulations (collectively referred to as "SEQRA").

The Town of Amenia Planning Board ("Planning Board") has made a determination that the proposed action described below will not have a significant adverse environmental impact and a draft Environmental Impact Statement will not be prepared.

Name of Action: Tower Hill Subdivision

SEQR Status: Unlisted Action – Uncoordinated Review

Description of Action: Tower Hill 2014 LLC (the "Applicant") proposes to subdivide 165.42± acres of land located at 365-381 Tower Hill Road, Amenia, New York (Parcel Grid Identification Number: 132000-7065-00-266271) (the "Property") into three lots of 44.79±, 88.29± and 32.36± acres in size (the "Project"). One lot will contain the existing main residential structure, another lot will include the existing Polo Barns and facilities, and the third lot has no development proposal associated with it. Therefore, no new development is proposed by the Applicant as part of this subdivision and the Planning Board's SEQRA review is limited only to the proposed action (See, 6 NYCRR § 617.2(b)(iii)) involving the 3-lot subdivision presented in the application. Any future development proposed for any of the three lots is unknown at this time, entirely speculative and beyond the reasonable scope of the Planning Board's current SEQRA and land use reviews of the proposed 3-lot subdivision.

Location: 365-381 Tower Hill Road, Amenia, Dutchess County, New York

Reasons Supporting This Determination: In this SEQRA determination, the Planning Board has carefully considered whether the Project would create a potentially significant adverse impact on the environment. For the reasons set forth below, an SEQRA Negative Declaration is appropriate and an environmental impact statement will not be prepared.

1. The Planning Board has given due consideration to the subject action as defined in 6 NYCRR §§ 617.2(b)(1) and 617.3(g).
2. The Planning Board has given due consideration to the written comments from the Town Engineer, the Town's consultants and the public provided to the Board.
3. The Planning Board has reviewed Part 1 and completed Parts 2 and 3 of the Short Environmental Assessment Form and has concluded that environmental effects of the

proposed action will not exceed any of the criteria for determining significance found in 6 NYCRR § 617.7(c), as more fully described below.

- a. There is no development proposal associated with this action. This is a simple, conventional minor subdivision involving the creation of three (3) new lots, all of which are in conformance with zoning.
- b. No change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; no increase in solid waste production; and no increase in potential for erosion, flooding, leaching or drainage problems will result from the Project because no new development is proposed by the Applicant at this time and any future development on any of the lots is entirely speculative at this point and beyond the reasonable scope of the Planning Board's SEQRA and land-use reviews of this simple 3-lot subdivision. The Applicant the Town's engineer and the Town Highway Superintendent conducted a site visit to the Property on May 18, 2023 to evaluate the potential for drainage issues. The site visit revealed a significant section of stream bank disturbance which requires the removal of obstructions and stabilization which have been incorporated into the proposed project by the Owner. The stream bank stabilization work would be necessary even absent the subdivision. Further, the Project will not generate off-premises noise, waste, lights, glare or any other intrusive condition. Finally, any future development on any of the lots will require necessary SEQRA review and land-use approvals, as required by law.
- c. No removal or destruction of vegetation or fauna; no interference with the movement of any resident or migratory fish or wildlife species; no impacts on a significant habitat area; no adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; and no other impacts to natural resources will result from the simple subdivision of the Property (without proposed development) into three new lots as part of the Project. Accordingly, there will be no impacts from this minor subdivision on vegetation or fauna, on the Property, or on their potential habitat on the Property. Because no new or modified development is proposed, any potential impacts on these species or habitat, if such exists, would be entirely speculative and beyond the reasonable scope of the Planning Board's SEQRA review of this minor 3-lot subdivision constituting the proposed action under SEQRA review.
- d. The Project will not create the impairment of the environmental characteristics of a Critical Environmental Area ("CEA") as designated pursuant to 6 NYCRR § 617.14(g). There are no designated CEAs on or near the Property.
- e. The Project will not create a material conflict with the community's current plans or goals as officially approved or adopted. The Zoning Law allows for the proposed subdivision in the Rural Agricultural Zoning District and the proposed lots meet all applicable dimensional requirement provided by the Zoning Law, substantially exceeding the 10-acre minimum lot size required in this district.
- f. The Project will not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

- g. The Project will not affect the use of either the quantity or type of energy.
- h. The Project will not create a hazard to human health.
- i. The Project will not create any change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
- j. The Project will not attract a large number of people to the Town of Amenia, compared to the number of people who would come to such place absent its adoption because the Project entails a subdivision with no associated development is proposed.
- k. The Project will not create a material demand for other actions that would result in one of the above consequences.
- l. No cumulative adverse impacts on the environment will result from the Project.

For Further Information:

Contact Person: Robert Boyles, Jr. Chair
Town of Amenia Planning Board
Address: 4988 Route 22
Amenia, New York 12501
Telephone: 845-373-8860

A Copy of this Notice Filed With: Town of Amenia Planning Board