



# TOWN OF AMENIA

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## TOWN OF AMENIA PLANNING BOARD

Resolution # 4 for 2023

June 14, 2023

### Resolution Approving Minor Subdivision Plat for the Tower Hill Subdivision

**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 the Upland Aquifer Overlay District, as set forth in the Town of Amenia Zoning Law (the “Zoning Law”). Portions of the Property lie in the Zoning Law’s Scenic Protection Overlay District within the Ridgeline Visual Protection Zone. A small portion of the Property may lie within the Stream Corridor Overlay District; 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”). No new development is proposed; and

**WHEREAS**, pursuant to Chapter 105 of the Town of Amenia Town Code (the “Subdivision Law”) 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 prepared by Renna Engineering Design, PLLC; (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 pursuant to SEQRA; and

**WHEREAS**, the Planning Board also made the determination that Lots 1 and 3 do not constitute Flag Lots under the Zoning Law; and

**WHEREAS**, the Planning Board held a public hearing on the Application to receive and consider any public comment and closed the public hearing on May 24, 2023; and

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 105-11 and Appendices B and C of the Subdivision Law, the Planning Board hereby approves, with conditions, the minor subdivision plat for the Project entitled "Tower Hill Subdivision" prepared by Rennia Engineering Design, PLLC, dated September 23, 2022;

**BE IT FURTHER RESOLVED**, that upon the satisfaction of the following conditions, the Planning Board Chairperson is hereby authorized to stamp and endorse the minor subdivision plat for the Tower Hill Subdivision (the "Final Plat Approval"):

1. The satisfactory resolution of all comments contained in the Planning Board Engineer Comment memo dated April 26, 2023;
2. The submittal and subsequent filing of a Common Driveway reciprocal access easement and maintenance agreement for access to each lot that includes the areas labeled on the Plat as Overall Common Drive Area, Access Easement No. 1, and Access Easement No.2. This should include the ability of Lot 3 to construct the new access drive as shown on the Plat and shall be suitable in form and content to the Planning Board Attorney;
3. The submittal and subsequent filing of a Drainage Easement that covers the various drainage system components beginning on Lot 1 and running over and through Lots 2 and 3, ending at the easterly line of Lot 3. This should include any tributaries associated therewith and shall be suitable in form and content to the Planning Board Attorney;
4. The plat shall be endorsed by the Dutchess County Department of Health as satisfying all the standards of the State Sanitary Code and all related laws;
5. The plat shall bear the authorized signature of the owner of the Property;
6. The plat shall be signed by Rennia Engineering Design, PLLC, as the preparer of the Tower Hill Subdivision; and
7. As required by the Subdivision Law, the Applicant shall pay any outstanding invoices of the Planning Board's consultants incurred in connection with reviewing and processing the applications related to the Project.

**BE IT FURTHER RESOLVED**, pursuant to Section 105-5 of the Subdivision Code, the sale of lots or individual parcels of land shall proceed only after Final Plat Approval has been recorded and other necessary permits/approvals have been satisfied by the Applicant.

**BE IT FURTHER RESOLVED**, that pursuant to the Subdivision Law, within five (5) business days from this resolution, copies of the minor subdivision plat shall be so certified by the Town of Amenia Code Enforcement Officer as being conditionally approved, a copy filed with the Planning Board and a certified copy mailed to the Applicant, which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat; and

**BE IT FURTHER RESOLVED**, that pursuant to Section 105-13(F(3) of the Subdivision Law, this conditional approval of the plat shall expire within 180 days after this resolution unless all the conditions precedent to the execution of the plat have been certified as being complete. The Planning Board may extend the time in which the approved plat must be submitted for signature by periods of 90 days each if the Planning Board determines, in its sole discretion, that such extension is warranted by the particular circumstances. Conditional approval of the plat shall automatically terminate and be revoked without need for affirmative Planning Board action if all

requirements for execution of the plat have not been certified as complete within 180 days of the original approval plus any subsequent extensions; and

**BE IT FURTHER RESOLVED**, that pursuant to Section 105-13(F)(1) of the Subdivision Law and Town Law Sections 276 and 279, the Applicant shall record the final plats with the Dutchess County Clerk's Office within 62 days after the signing of the plat by the Planning Board Chairperson and pay all applicable recording fees for said plat. The Applicant shall promptly provide proof of recording to the Planning Board; and

**BE IT FURTHER RESOLVED**, that in the event the plat is not recorded in the Dutchess County Clerk's Office within 62 days after its execution, the plat shall expire and any further action shall require the submission of a new application, payment of a new application fee and Planning Board review of all previous findings; and

**BE IT FURTHER RESOLVED**, in accordance with 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 Chairperson. In the event that any 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 if any condition or part of this approval resolution is annulled by a court of competent jurisdiction, the remainder of this approval resolution shall remain in full force and effect; 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 Applicant within the same five (5) day period; and

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

Motion By: Tony Robustelli

Second By: Matt Deister

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Neal Kusnetz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nina Peek	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Matthew Deister	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: June 14, 2023  
Amenia, New York

  
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Judy Westfall, Planning Board Clerk