



TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

Amenia Town Clerk

Resolution # 8 for 2023

Resolution Granting Site Plan Reapproval for a Residence at 108 Westerly Ridge Drive

August 9, 2023

WHEREAS, Cameron and Liza Vann Smith (together, the “Applicant”) are the owners of 27 acres of land located at 108 Westerly Ridge Drive in Amenia, New York (the “Property”) which is situated in the Rural Agriculture (RA) Zoning District and Scenic Protection Overlay (SPO) Districts; and

WHEREAS, pursuant to Section 121-14.1(D)(1) of the Town of Amenia Zoning Code (the “Zoning Code”), “site plan approval shall be required for ... construction of any structure or any addition to a structure where the size of the new structure or addition will be greater than 500 square feet in footprint area, including residential structures”; and

WHEREAS, on September 11, 2019, the Town of Amenia Planning Board (the “Planning Board”) approved a site plan application for the Applicant (the “2019 Site Plan Approval”) authorizing the construction of a single-family home and related improvements at the Property (the “Project”), subject to the satisfaction of certain conditions set forth in the 2019 Site Plan Approval; and

WHEREAS, the Applicant satisfied all the conditions of the 2019 Site Plan Approval and the plan was signed by the Planning Board’s Chairman on January 3, 2020; and

WHEREAS, on December 9, 2020, the Planning Board granted a one-time extension of the 2019 Site Plan Approval for an additional six (6) months through and including September 11, 2021; and

WHEREAS, on September 8, 2021 the Planning Board reapproved a site plan application for the Applicant (the “2021 Site Plan Approval”) reauthorizing the Project as previously conditioned; and

WHEREAS, the Applicant has not obtained a building permit or commenced construction of the Project which the Applicant anticipates will occur upon the sale of the Property; and

WHEREAS, the Applicant is actively marketing and showing the Property but efforts to sell have not been successful to date; and

WHEREAS, on June 21, 2023 the Applicant applied for a new approval of the Project based on: (1) a Land Use Application; (2) the August 21, 2019 Site Plan prepared by Saratoga Associates as signed by the Planning Board Chairman on January 3, 2020 (the "Site Plan"); (3) a SEQRA Short Environmental Assessment Form; (4) a copy of the September 11, 2019 Planning Board approval resolution for the Project; (5) a copy of the September 8, 2021 Planning Board resolution for the Project; and (6) the requisite filing fee and escrow amount for the application. This information is further supplemented by documentation submitted by the Applicant in support of the Planning Board's 2019 Site Plan Approval and satisfaction of conditions thereof as reflected on the Site Plan signed by the Planning Board's Chairman on January 3, 2020; and

WHEREAS, the Planning Board has reviewed and considered all of the above-referenced documents submitted by the Applicant (collectively, the "Application") and finds that no change in the Project or the facts surrounding the Property have occurred since issuance of the 2019 Site Plan Approval and the Chairman's January 3, 2020 signing of the Site Plan; and

WHEREAS, the Planning Board has determined that reapproval of the Project qualifies as a minor project pursuant to Section 121-60(C)(1) of the Zoning Code and that, in accordance with Section 121-67(D) of the Zoning Code, no public hearing is required; and

WHEREAS, the Applicant was previously granted a waiver under Section 121-14.1(L) of the Zoning Code from the requirement that the home be constructed 40 feet below the crest line of any ridge; and

WHEREAS, in 2019 the Dutchess County Planning Department reviewed the Project for countywide and inter-municipal impacts and issued a report stating that the Project was a matter of "local concern"; and

WHEREAS, the Project is a Type II action under the State Environmental Quality Review Act ("SEQRA") because it entails the construction of a single-family home on an approved lot; and

WHEREAS, the Planning Board has determined that the Project requested in the Application will comply with all Zoning district, overlay district, and other specific requirements of the Zoning Code and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Code and the RA Zoning District and applicable overlay districts; and

WHEREAS, the Planning Board has determined that the Project requested in the Application will comply with the applicable site plan criteria in Section 121-65(D) of the Zoning Code and will not adversely affect neighboring properties; and

WHEREAS, the Planning Board's determinations outlined above are based on the Applicant's representations contained in all of the Application materials submitted to the Planning Board and the Applicant's compliance with the Town of Amenia Code including the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 121-65 of the Town's Zoning Code, the Planning Board hereby approves the Site Plans, titled "Site Plans for Waiver for Scenic Protection Overlay District" prepared by Saratoga Associates, dated August 21, 2019 (the "Approved Site Plans") and authorizes the Planning Board Chairperson to stamp and sign the Approved Site Plans upon payment of all of the outstanding invoices for the Planning Board's consultants; and

BE IT FURTHER RESOLVED, the Planning Board hereby grants the Applicant a waiver from Section 121-14.1(L) of the Zoning Code to allow for construction of the single-family residence on the crest line based upon visual simulations provided by the Applicant demonstrating there remains adequate screening of the building area; and

BE IT FURTHER RESOLVED, that the Planning Board's approval of the Approved Site Plans is further subject to the following conditions:

- (1) Prior to the issuance of a building permit for any structure on the lot, the Applicant shall obtain and provide copies of the necessary permits/approvals from the Dutchess County Department of Behavioral and Community Health for the private water and septic systems; and
- (2) Tree removal shall be limited to the area within the 100' x 150' square foot ("SF") building envelope on the Approved Site Plans. Construction of an absorption area for onsite wastewater treatment systems, underground septic and water tanks and modifications to the existing stone driveway, including but not limited to construction of a fire truck pull off area, shall be limited to previously cleared land, as depicted on the Approved Site Plans. Any tree removal outside of the 100'x150' SF building envelope will require amendment to this approved site plan including documentation that such tree removal will not increase visibility of residential or accessory structures or alter the visual character of the ridgeline as viewed from off-site vantage points within the Town of Amenia; and
- (3) The proposed residential and all accessory structures shall be located within the defined 100' x 150' SF building envelope; and
- (4) The single-family residence shall be constructed no larger than 4,000 SF and the height shall not exceed 2-stories with a peaked roof; and
- (5) Building colors will be selected to minimize visual impacts to the greatest extent practicable. Specific measures to achieve this objective shall include:
 - a. Use of muted and "earth tone" (shades of brown) colors representative of those found in the surrounding environment;

- b. No reflective finishes (e.g., unpainted or shiny metallic surfaces) shall be used on the exterior surface, including, but not limited to the roofs, projections above roofs, retaining walls, doors, trim, fences, pipes or outside equipment; and
 - c. Siding types shall be limited to painted or stained wood, timber, log, stone masonry, stucco, or non-reflective and unpainted vinyl; and
- (6) To further minimize visual impacts to the greatest extent practicable, the Applicant shall install windows in accordance with the following standards:
- a. Large, uninterrupted expanses of glass and repetitive bands of windows shall be avoided in favor of combinations of windows;
 - b. West facing windows shall be tinted, non-mirrored, low reflectivity glass; and
 - c. Metal window panels shall be painted; and
- (7) At all times, the Applicant shall comply with the Approved Site Plans including, without limitation, all notes set forth on the plans; and
- (8) The Applicant shall pay all of the outstanding invoices for the Planning Board's consultants prior to the issuance of a building permit by the Building Inspector; and
- (9) Prior to the issuance of a Certificate of Occupancy for the residence, the Applicant shall:
- a. Complete the driveway widening, rock removal and cross slope modifications as shown and detailed on the plan set;
 - b. have a source of water available for safe access by the Fire District. As reflected by the notes on the water storage tank plan on Page L 3.0 of the site plan, this shall be either a 10,000 gallon underground fiberglass storage tank or a pool.
 - c. provide "as-built" plans for all improvements on the site as required by Section 121-68 of the Zoning Code; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-68(E) of the Town's Zoning Code: (1) this site plan approval shall expire if the Applicant fails to commence construction, to obtain the necessary building permits, or fails to comply with the condition of the site plan approval within 18 months of its issuance. The Planning Board may grant a one-time six-month extension; (2) this site plan approval may be revoked by the Planning Board if the Applicant violates the site plan approval or its conditions or engages in any construction or alteration not authorized by the site plan approval; (3) any violation of the site plan approval or its conditions shall be deemed a violation of the Zoning Code and shall be subject to enforcement action; and

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

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

The adoption of the foregoing Resolution was moved by Tony R., seconded by John S., and duly put to vote, which resulted as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Robert Boyles, Jr. Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Stephanopoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Walsh	<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"/>
Neal Kusnetz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: August 9, 2023
Amenia, New York

Judith Westfall
Judith Westfall, Secretary