



TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

Resolution # 9 for 2023

Resolution Adopting Conservation Findings

August 9, 2023

WHEREAS, Keane Stud LLC (the “Applicant”) proposes to undertake a conventional subdivision of four (4) existing parcels of land in the Rural Agricultural (“RA”) District consisting of a total of ±704.9 acres in the Town of Amenia, Dutchess County, New York and identified as tax parcel numbers 132000-7166-00-403720 and 132000-7167-00-515033, 570145, and 212034 (the “Project Site” or “Site”) to create thirty-one new lots (the “Project”) as follows:

- Twenty-Six (26) new residential lots (Lots 1 – 26);
- One (1) lot with existing residential and farm buildings (Lot 27);
- Two (2) vacant lots (Lots F-1 & F-2);
- One (1) lot with existing equestrian facilities (Lot G-1); and
- One (1) lot with an existing residential building and farm building fronting on Prospect Avenue (Lot G-2); and

WHEREAS, in its review of a preliminary sketch plan for a conventional major subdivision of RA lands pursuant to Town of Amenia Code § 105-9, the Planning Board is required, pursuant to Zoning Law § 121-19(A)(2), to assess the need for a conservation subdivision; and

WHEREAS, in addition, the Planning Board is required to make certain findings based on a conservation analysis conducted pursuant to Zoning Law § 121-20(A)(4); and

WHEREAS, the Applicant has submitted a conservation analysis entitled “Keane Stud Subdivision Conservation Analysis” and prepared by Rennia Engineering Design, PLLC dated October 19, 2021, last revised May 5, 2023 which the Planning Board has reviewed and considered in making its conservation findings.

RECEIVED

AUG 10 2023

Amenia Town Clerk

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Zoning Law §§ 121-20(A)(2) and (4), the Planning Board makes and adopts the attached conservation findings for the Project; and

BE IT FURTHER RESOLVED, that pursuant to Zoning Law § 121-20(A)(4), the Planning Board's adopted conservation findings shall be subject to revision based upon further analysis of the Project Site and information developed in the course of the SEQRA process; and

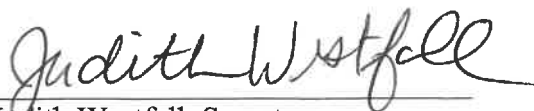
BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed in the office of the Town of Amenia Town Clerk within five (5) days of the date of this Resolution, and shall be mailed to the Applicant within the same five (5) day period.

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, Secretary

TOWN OF AMENIA PLANNING BOARD
CONSERVATION FINDINGS/KEANE STUD SUBDIVISION

August 9, 2023

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Proposed Conventional Subdivision:

Keane Stud LLC (the “Applicant”) proposes to undertake a conventional subdivision of four (4) existing parcels of land in the Rural Agricultural (“RA”) District consisting of a total of ±704.9 acres in the Town of Amenia, Dutchess County, New York and identified as tax parcel numbers 132000-7166-00-403720 and 132000-7167-00-515033, 570145, and 212034 (the “Project Site” or “Site”) to create thirty-one new lots (the “Project”) as follows:

- Twenty-Six (26) new residential lots (Lots 1 – 26);
- One (1) lot with existing residential and farm buildings (Lot 27);
- Two (2) vacant lots (Lots F-1 & F-2);
- One (1) lot with existing equestrian facilities (Lot G-1); and
- One (1) lot with an existing residential building and farm building fronting on Prospect Avenue (Lot G-2).

No development is proposed at this time with the exception of the roads proposed to serve the Project.

Conventional Subdivision Finding Required:

In its review of a preliminary sketch plan for a conventional major subdivision of RA lands pursuant to Town of Amenia Code § 105-9, the Planning Board is required, pursuant to Zoning Law § 121-19(A)(2), to assess the need for a conservation subdivision:

“Any applicant for a conventional major subdivision (as defined in the Subdivision Law[1]) in the RA, RR, or SR Districts shall submit to the Planning Board a conservation analysis as described in § 121-20A below. **If the Planning Board determines, based upon the conservation analysis, that a proposed conventional subdivision may adversely affect the Town's rural landscape or natural resources, the Planning Board may require the applicant to submit a plan for a conservation subdivision....and may require that such a plan be approved as an alternative to a conventional subdivision.**”

Conservation Findings Required:

In addition, the Planning Board is required to make certain findings based on a conservation analysis conducted pursuant to Zoning Law § 121-20(A)(4):

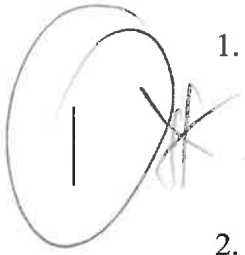
“**The determination as to which land has the most conservation value and should be protected from development by conservation easement shall be**

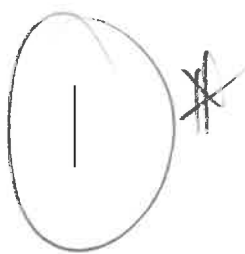
made by the Planning Board, which shall make written findings supporting its decision (the "conservation findings"). The Planning Board shall not endorse any application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings. The Planning Board's conservation findings shall be subject to revision based upon field analysis of the site and information developed in the course of the SEQRA process.”

The Applicant has provided the Planning Board with a conservation analysis as required by Zoning Law § 121-20(A)(1). The analysis done by the Applicant includes the basic information required by the Zoning Law for conservation findings, including inventory maps, a description of the Site, and an analysis of the conservation value of various site features. Additional information is provided that is not required for or necessary for the Planning Board to rely upon for its conservation findings.

Planning Board Findings:

Having considered the baseline conditions for the Project Site summarized below and for the reasons set forth herein:

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1. The Planning Board finds that, based on the conservation analysis undertaken by the Applicant, a conservation subdivision will not be required pursuant to Zoning Law § 121-19(A)(2). The Applicant may propose a conventional subdivision consistent with the proposed sketch plan subject to these Findings. ✓
 2. The Planning Board finds that the conservation analysis undertaken by the Applicant, entitled “Keane Stud Subdivision Conservation Analysis” and prepared by Rennia Engineering Design, PLLC dated October 19, 2021, last revised May 5, 2023 (the “Conservation Analysis”), is sufficient for the Planning Board to make its conservation findings as required by Zoning Law § 121-20(A)(4) and to identify the lands on the Site to be protected from development.
 3. The Planning Board further finds that the following areas within the Site have the most substantial conservation value and should be protected from development:
 - Wetlands and wetland buffer areas;
 - Stream corridors;
 - Scenic areas highly visible to the public, including, but not limited to land in the Scenic Protection Overlay District (“SPO”), the Stream Corridor Overlay District (“SCO”), the Resort Development Overlay District (“RDO”), the Aquifer Overlay District (“AQO”), and the predominant ridgeline/crestline for the Project Site;
 - Existing agricultural land use areas including prime agricultural soils; and soils of statewide importance; ✓
 - Steep slope areas;
 - Forested ridge areas;
 - Sensitive wildlife habitat; and



- Bog turtle protection areas.
4. The Planning Board further finds that the lands shown on the Keane Stud Subdivision - Conservation Area(s) Exhibit, prepared by Rennia Engineering Design, PLLC dated May 4, 2023, annexed hereto and made a part hereof (the "Conservation Map"), have the most conservation value and are the most important lands on the Site to protect from development.
 5. The Planning Board further finds that the conservation uses and management guidelines for such land should be further defined during the Planning Board's SEQRA and subdivision reviews of the Project and acknowledges that deed restrictions (as proposed by the Applicant) may be an appropriate mechanism for protecting the lands shown on the Conservation Map in the proposed conventional subdivision so long as they are enforceable by the Town and a homeowner's association.
 6. Finally, the Planning Board recognizes that it may revise these conservation findings based upon field analysis of the Site and additional information developed in the course of its SEQRA and subdivision reviews of the Project.

The Planning Board's findings herein are supported by the following reasons:

1. The Conservation Map includes preservation of environmentally sensitive lands on the Site, including wetlands and watercourses and their buffer areas, steep slopes, forested areas and the predominant crestline for the Site. In addition, most of other undeveloped lands comprising the Site will be protected from development. Development on each of the 26 proposed residential lots will be limited to a designated building envelope ranging in size from 2 acres to 6 acres. Overall, a total of 520.22± acres of the Project Site, or 73%, will be protected from development.
2. All buildings and structures will be located within the designated building envelopes. Outside of building envelopes, lots will be protected from development and those areas will only be used for agricultural or open space uses.
3. AM-10, a NYSDEC wetland partially contained within an existing Federal easement on project parcel #570145, has potential for bog turtle habitat. The Federal easement on the wetland is designed for the purposes of protecting this species in perpetuity. The Conservation Map includes a +300' buffer from the edge of wetland AM-10 to minimize possible impacts from development on potential bog turtle habitat.
4. According to the Applicant, approximately 529.6± acres of the Project Site are located within the Scenic Protection Overlay ("SPO") District. Of this acreage, approximately 307.8± acres of lands within the SPO District (are included on the Conservation Map and will be protected from development. The lands on the Site within the SPO District are a locally designated visual resource and are visible from public viewpoints, so the protection

of lands within the SPO District from development will help to minimize visual impacts of the Project.

Baseline Conditions for the Site:

The following information regarding baseline conditions for the Site was provided by the Applicant and has been considered by the Planning Board for the limited purpose of making its conservation findings regarding identification of the most important lands on the Site to be protected from development, subject to further SEQRA and subdivision review. The Planning Board reserves its right to seek additional information from the Applicant as necessary to complete its review responsibilities.

The principal use of the Project Site has been for agriculture with a portion of the Site containing an existing equestrian facility. The Site primarily consists of agricultural lands, with several residential structures, large barns, and upland forest hardwood forest on the higher slopes and wetlands adjacent to agricultural fields on the lower slopes.

The Site is topographically and biologically diverse. The highest portion of the site is located in the southeastern corner of the parcel at an elevation of about 1226'. The lowest portion of the Site is in the southwestern corner and is at an approximate elevation of 514' at the outlet of a stream. The steepest portions of the Site are generally located within the eastern portion of the Project Site ~~among involving~~ wooded slopes, and ~~extending to the eastern parcel boundaries, where~~ no building envelopes or other development will occur are proposed on these portion of the Site. The wooded slopes are to be protected from development.

-The following is a summary of existing land coverages present on the Project Site as provided by the Applicant:

- Watercourses The Project Site contains approximately +/- 9,2136 linear feet of watercourses, including three (3) unnamed streams all of which are classified C, indicating they are suitable for fishing. Of the three classified watercourses, two are located within the SCO. All watercourses are tributaries to the Wassaic Creek and are integral to the health of the onsite and offsite wetlands. Each watercourse has an intermittent flow regime, relying on the conservation and integrity of their headwaters to sustain the areas biodiversity.
 - Stream #1 begins in the upland eastern portion of the Project Site and flows west down the hillside towards the existing equestrian facilities to enter NYSDEC Wetland AM-10. Prior to entering Wetland AM-10, the stream is diverted through an existing culvert and is routed towards a small pond before emptying into Wetland AM-10. Once entering AM-10, the stream proceeds north through Wetland AM-10, flowing through two separate culverts spanning Wetland AM-10, and leaving the site to the north, eventually feeding into a series of off-site NYSDEC and federal wetlands. The portion of the stream located on the Project Site is approximately ±7,613 linear feet long. The stream width is variable with

upland portions acting as drainage courses for upland areas and widening to match the width of the wetlands.

- Stream #2 begins in the equestrian paddocks in the southern portion of the Project Site and flows south off-site into Wetland AM-16. The portion of the stream located on the Project Site is approximately ±823 linear feet long.
 - Stream #3 begins in the southeastern-most portion of the Project Site and flows directly south through several small federal wetlands before leaving the site and entering several off-site ponds, eventually flowing into NYSDEC Wetland AM-22. The portion of the stream located on the Project Site is approximately ±700 linear feet long.
- Ponds The Project Site contains several small freshwater ponds in wetlands (See below) and one pond comprising ± 0.64 acres that is located on the northwestern portion of proposed Lot 18.
 - Paddocks The Project Site contains approximately ±166.18 acres of paddock space on the southern portion of the Site used for existing equestrian activities. These paddock areas are covered in thick grasses and low-lying vegetation.
 - Forest The Project Site contains approximately ±166.31 acres of contiguous forest and hedgerows. Forest coverage is primarily within the eastern and southern portions of the Project Site, consisting of several stands of unfragmented northern hardwood forest and mixed conifers. The mixture of oaks, hickories, hemlocks, white pine, maple, beech, and black cherry identified on site suggest a regional biome capable of supporting diverse natural communities. The variety of oaks and hickories provide perennial forage for animals while hemlocks and white pine act to stabilize the steep slopes and provide winter shelter. The majority of forest-covered land is located on the steepest portions of the Project Site and along the property boundaries, which are generally unsuitable for development. Large stands of fragmented forest exist in the northwest and southwest portions of the site surrounding Wetland #1 and southwest of proposed Lot #2 respectively.
 - Row Crops The Project Site contains approximately ± 271.29 acres of active agricultural land used for row crops. Historical orthoimagery indicates the continued agricultural use of this land from 1936 to the present day.
 - Brush The Project Site contains approximately ±50.41 acres of brush that vary in density and coverage throughout the Site. Much of the brush is found at the edge of wetlands (See below). Early- to mid-successional brush is generally found at the edge of forested lands, likely the result of clearing or disturbance that resulted from historic agricultural activity.

- Wetlands The Project Site contains approximately ±38.58 acres of wetlands divided among two (2) federal wetlands and four (4) ACOE jurisdictional wetlands. Wetlands #5 and #6 are fed by Stream #1 and Wetland #2 is fed by Stream #2.
 - Wetland #1, also referred to as NYSDEC Wetland AM-8, is approximately ±16.55 acres and is located in the northwestern corner of project parcel #212034. Wetland #1 is divided into two separate areas by Old Route 22 and the majority of it is wooded, containing a large stand of northern hardwoods.
 - Wetland #2 is approximately ±0.46 acres and is fed by Stream #2 as it flows southwest from the equestrian paddocks and forms a small, forested palustrine wetland. The bulk of Wetland #2 extends to the southwest off of the Site.
 - Wetland #3 is approximately ±0.83 acres and is comprised of two (2) adjacent freshwater, forested wetlands in the southeastern corner of the Project Site. Wetland #3 is bisected by the north/south/east/west Project Site boundary.
 - Wetland #4 is approximately ±2.05 acres and is fed by Stream #1 flowing down from the upland portions of the Project Site to the east. Wetland #4 contains a small freshwater pond surrounded by palustrine wetlands.
 - Wetland #5, part of NYSDEC Wetland AM-10, is approximately ± 6.30 acres, is fed by Stream #1, and is primarily a palustrine wetland with several small freshwater ponds located within its boundaries. Wetland #5 has an existing farm road crossing, which is used to access the easterly areas of the fields from Depot Hill Road.
 - Wetland #6, also part of NYSDEC Wetland AM-10, is approximately ± 12.3 acres, is fed by Stream #1, and is primarily a palustrine wetland with several small freshwater ponds located within its boundaries. Wetland #6 begins on parcel #515886, just east of Depot Hill Road, and extends north through several project parcels and one additional non-project parcel (#430145) until extending beyond the northern most point of the Project Site. Wetland #6 has been provided with a U.S. Wetland Reserve Program Easement as detailed in File Map #12353 and maintains an existing agricultural crossing on the Site located on existing tax parcel #515033.

- Impervious Coverage The Project Site contains approximately ±7.17 acres of existing impervious surface including buildings and roads.

- Hedgerows These linear strips of forest occur throughout the Project Site and are not considered as ecologically productive as the unfragmented forest; however, they benefit wildlife and property owners by controlling wind speed, reducing wind erosion, improving quality and quantity of sheltered crops, and reducing visual impairments from scenic corridors and noise coming from surrounding properties and roadways.

For its conservation analysis, the Applicant has provided the following information in its Threatened and Endangered Species/Habitat Suitability Assessment Report, prepared by Ecological Solutions and dated September 25, 2021. The NYSDEC's Environmental Resource

Mapper identified three (3) possible threatened/endangered species that may be present on the Project Site: Bog Turtle, Timber Rattle Snake, and Hill's Pondweed. In addition, the New England Cottontail, a NYS species of special concern, may be present. The Applicant's assessment concluded as follows:

- *Bog Turtle* Habitat conditions for bog turtle on the Project Site include soft, saturated organic/mineral soil; perennial groundwater discharge; a plant community of low-growing, native flora (including sedges, rushes, grasses, forbs, mosses, and some low shrubs); tree canopy cover less than 50%; and fen indicator plants (including shrubby cinquefoil, grass-of-parnassus, and tamarack). AM-10, a NYSDEC wetland partially contained within a Federal easement on Project parcel #570145, has potential for bog turtle habitat.
- *Timber Rattlesnake* The Project Site was assessed for the presence of Timber Rattlesnake den, basking/gestating, and foraging habitat consistent with known location of the species. Based on the lack of southeast to southwest facing rock formations for basking, the Applicant's analysis concluded that the Project Site likely does not contain any suitable Timber Rattlesnake den areas. In addition, historic agricultural use of lands on the Site have limited the potential for suitable foraging space due to poor shade, rest, and prey opportunities in the fields.
- *New England Cottontail* The Project Site has suitable habitat for the New England cottontail including shrubby areas and thickets of native mid-to-late successional species in and around wetland areas; however, the presence of invasive shrubs, low-density tree cover in wetland areas, and a younger shrubland reduce the overall likelihood of this species habitation on the Site. Thus, while potential habitat does exist, these areas are fragmented with no existing connections or travel corridors to other habitat. These factors make it unlikely that the species exists on the Site.
- *Hill's Pondweed* As part of the DEIS prepared for the previously proposed Depot Hill Farm Development (2009) a full inventory of the site's ecological communities and their component flora was provided in a Natural Resource Survey prepared by Matthew Rudikoff Associates, Inc. (MDRA). The report documented 355 species of vascular plants none of which included any plants listed on the State or Federal-listed Endangered, Threatened, or Rare species list. The report notes that NYSDEC Natural Heritage Program indicated that there was only one instance of Hill's Pondweed recorded within the vicinity (Off-Site – Along NYS Route 22) of the Project Site. Follow up inspections conducted by MDRA confirmed the potential presence of pondweed at the offsite location, but failed to determine its exact species. The report concludes that the only pondweed observed on the Project Site was Curly Pondweed (not listed species), which was located in parcel #515886 (not in application).