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Amenia Town Clerk



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

TOWN OF AMENIA PLANNING BOARD

Resolution # 10 for 2023

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

October 25, 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. The Property is Lot #9 in a subdivision approved by the Town of Amenia Planning Board (the “Planning Board”) that was filed with the Dutchess County Clerk on September 30, 2005 as Map #11854 (the “Subdivision Approval”); and

WHEREAS, the Subdivision Approval included a site plan for Lot #9 that illustrated the proposed location of the driveway, single-family residence, septic system and well on the Property; and

WHEREAS, because of the Property’s location in the SPO District, pursuant to Section 121-14.1(D)(1) of the Town of Amenia Zoning Law (the “Zoning Law”), “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 or around June 17, 2019, the Applicant submitted an application to the Planning Board seeking Site Plan Approval to allow for the construction of a single-family home and related improvements on the Property (the “Project”); and

WHEREAS, on September 11, 2019, the Town of Amenia Planning Board (the “Planning Board”), by unanimous vote, conditionally approved the Project (the “2019 Site Plan Approval”) and authorized the Planning Board Chairman to sign the approved site plans upon the Applicant’s satisfaction of certain conditions set forth in the 2019 Site Plan Approval. The 2019 Site Plan Approval is attached hereto as Exhibit A and incorporated herein as part of this resolution; and

WHEREAS, after satisfaction of the conditions in the 2019 Site Plan Approval required for the signing of the approved site plan, the site plans approved by the 2019 Site Plan Approval were signed by the Planning Board’s Chairman on January 3, 2020; and

WHEREAS, the 2019 Site Plan Approval, for the purpose of limiting the visual impacts of the Project “to the greatest extent practicable,” also imposed stringent conditions on tree-cutting, the size of the development envelope for the Project, the size and color of the single-family residence and the windows that could be used for the residence (the “Visual Impact Conditions”); 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. A copy of the December 9, 2020 Planning Board resolution is attached hereto as Exhibit B and incorporated herein as part of this resolution; and

WHEREAS, in anticipation of the expiration of the 2019 Site Plan Approval, on August 26, 2021 the Applicant applied for reapproval of the Project consistent with the 2019 Site Plan Approval; and

WHEREAS, on September 8, 2021, the Planning Board unanimously approved the Applicant’s application (the “2021 Site Plan Approval”) reapproving the Project as previously conditioned. A copy of the September 21, 2021 Planning Board resolution for 2021 Site Plan Approval, which included the Visual Impact Conditions, is attached hereto as Exhibit C and incorporated herein as part of this resolution; and

WHEREAS, the 2021 Site Plan Approval expired without being extended on or about March 8, 2023 pursuant to Zoning Law § 121-68; and

WHEREAS, on June 21, 2023 the Applicant submitted an application for reapproval of the expired 2021 Site Plan Approval, seeking a new approval for the Project based on the signed site plan and that includes the conditions of the 2019 Site Plan Approval and the 2021 Site Plan Approval, including the Visual Impact Conditions, and further 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 (collectively, the “2023 Application”). This information was further supplemented during the Planning Board’s review by documentation previously submitted by the Applicant in support of the Planning Board’s 2019 Site Plan Approval, including a visual assessment for the Project (the “Visual Assessment”); and

WHEREAS, the Planning Board reviewed and considered all of the above-referenced documents, comments from the Planning Board’s engineer, and comments from the public, and found that no change in the Project or the facts surrounding the Property had occurred since issuance of the 2019 Site Plan Approval, the Chairman’s January 3, 2020 signing of the Site Plan, or the Planning Board’s issuance of the 2021 Site Plan Approval and, on August 9, 2023 unanimously granted site plan approval for the Project (the “August 2023 Site Plan Approval”). A copy of the August 9, 2023 Planning Board resolution for the August 2023 Site Plan Approval, which included the Visual Impact Conditions, is attached hereto as Exhibit D and incorporated herein as part of this resolution; and

WHEREAS, by petition dated September 11, 2023, a challenge to the August 2023 Site Plan Approval was filed in NYS Supreme Court, Dutchess County, pursuant to CPLR Article 78; and

WHEREAS, in response to this petition, the Planning Board seeks to clarify its review of the 2023 Application through a revised and updated resolution; and

WHEREAS, the Planning Board determines that, consistent with the 2019, 2021 and August 2023 site plan approvals, the Project qualifies as a minor project pursuant to Section 121-60(C)(1) of the Zoning Law because it does not exceed any of the “minor project thresholds” provided in that section; and

WHEREAS, pursuant to Zoning Law § 121-67(D) no public hearing is required for a minor project site plan and the Planning Board determines, in its sole discretion as authorized by the Zoning Law, that no hearing is necessary for the Project since the Project does not exceed any of the “minor project thresholds” provided in Zoning Law § 121-60(C)(1) and there is no change in the Project or the signed site plan, the facts surrounding the Property, or conditions of approval, including the Visual Impact Conditions, that are proposed; and

WHEREAS, Zoning Law § 121-14.1(F)(4) requires that development must be “at least 40 feet below the crest line of any ridge” and “not disturb the continuity of the treeline when viewed from a publicly accessible place.” Zoning Law § 121-14.1(L) authorizes the Planning Board to waive this requirement “upon a written finding that such waiver will not impair the scenic preservation purposes of the SPO District;” and

WHEREAS, the 2019, 2021 and August 2023 site plan approvals granted the Applicant a waiver pursuant to Zoning Law § 121-14.1(L) from the requirement that the residence be constructed 40 feet below the crest line of the ridge on the Property, finding that adequate screening of the Project’s building area will be provided. Based on the Planning Board’s review of the 2023 Application, the Visual Assessment and other information from the 2019 Project application, the Planning Board finds that granting a waiver for the Project is justified since there is no change in the Project or the facts surrounding the Property, adequate screening of the Project will be provided, and other visual impacts will be minimized through the imposition of the Visual Impact Conditions for the Project. As such, granting the waiver “will not impair the scenic preservation purposes of the SPO District,” which are to “preserve the attractive rural, historic and agricultural qualities of the Town” and to “regulate land uses within designated scenic areas to protect the Town’s scenic beauty and rural character” as provided by Zoning Law § 121-14.1(A); and

WHEREAS, in 2019 the Dutchess County Planning Department (“DCPD”) reviewed the Project for countywide and inter-municipal impacts pursuant to General Municipal Law (“GML”) § 239-m and issued a report stating that the Project was a matter of “local concern.” In response to an October 17, 2023 referral based on the 2023 Application, DCPD has again confirmed that the Project is a matter of “local concern;” and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(11), the Project is properly classified as a Type II action under the State Environmental Quality Review Act (“SEQRA”) because it entails the “construction or expansion of a single-family, a two-family or a three-family residence on an approved lot,” so no further environmental review of the Project is required under SEQRA; and

WHEREAS, as required by Agriculture and Markets Law § 305-b and Zoning Law § 121-62(F)(1), based on the agricultural data statement submitted, notice of the 2023 Application has been provided to the owners of land identified in the agricultural data statement with farm operations, providing such owners with an opportunity to comment upon any possible impacts of the Project upon the functioning of farm operations consistent with the requirements of Agriculture and Markets Law § 305-b. The Planning Board has considered the potential for impacts of the construction of a single-family residence on a 27-acre lot on farm operations during its review of the Project, including public comments; and

WHEREAS, the Planning Board determines that, based upon the Project’s site plans and the conditions, including the Visual Impact Conditions, provided in the 2019, 2021 and August 2023 site plan approvals, the Project requested in the 2023 Application will comply with all zoning district, overlay district, and other specific requirements of the Zoning Law and other chapters and regulations of the Town Code, will be consistent with the purposes of the Zoning Law and the RA Zoning District and applicable overlay districts; and

WHEREAS, the Planning Board further determines that based upon the signed site plan and conditions for the Project provided in the 2019, 2021 and August 2023 site plan approvals, including the Visual Impact Conditions, the Project requested in the 2023 Application will comply with the applicable site plan criteria in Section 121-65(D) of the Zoning Law and will not adversely affect neighboring properties. Consistent with the 2019, 2021 and August 2023 site plan approvals, the Planning Board believes that conditions requiring modifications to the driveway to meet fire access requirements and an onsite source of water for firefighting purposes should be required. The Planning Board also notes that the site plan proposed in the 2023 Application and unanimously approved in the 2019, 2021 and August 2023 site plan approvals is consistent with the overall layout and driveway provided in the 2005 Subdivision Approval; and

WHEREAS, no changes to the Zoning Law have occurred since the 2019 Site Plan Approval that would affect the Planning Board’s review of the Project.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 121-65 of the Town’s Zoning Law, 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 Chairman 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 Law to allow for construction of the single-family residence on the crest line based upon the June 17, 2019 Visual Assessment provided by the Applicant and the conditions imposed herein to limit visual impacts of the Project “to the greatest

extent practicable,” finding that granting the waiver “will not impair the scenic preservation purposes of the SPO District;” 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’ x 150’ 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 Law; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-68(E) of the Town's Zoning Law: (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 Law 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.

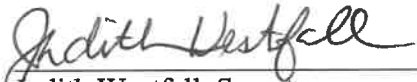
The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

The adoption of the foregoing Resolution was moved by T. Robustelli, seconded by M. Deister, 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	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
John Stephanopoulos	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>✓</u>

James Walsh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nina Peek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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: October 25, 2023
Amenia, New York



Judith Westfall, Secretary

EXHIBIT A



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

Amenia Town Clerk

SEP 18 REC'D

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TOWN OF AMENIA PLANNING BOARD

Resolution # 17 for 2019

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

September 11, 2019

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 or around June 17, 2019, the Applicant submitted an application to the Planning Board seeking a Site Plan Approval to allow for the construction of a single-family home and related improvements on the Property (the "Project"); and

WHEREAS, the documents submitted by the Applicant as part of its application consisted of, among other things, (1) a Land Use Application; (2) Site Plan prepared by Saratoga Associates; (3) Short Environmental Assessment Form ("SEAF"); (4) Agricultural Data Statement; (5) Photo Simulations; (6) the requisite filing fee and escrow amount for the application; and (7) a variety of additional documentation (the "Application"); and

WHEREAS, the Planning Board reviewed and considered all of the above referenced documents submitted by the Applicant as part of its Application; and

WHEREAS, the Planning Board has determined that the Project qualifies as a minor project pursuant to Section 121-60(C)(1) of the Zoning Code; and

WHEREAS, the Applicant requested 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, the Planning Board deemed the Application to be complete and referred it to the Dutchess County Department of Planning and Development ("County Planning Department") for its review and recommendation as required by Section 239-m of the NYS General Municipal Law; and

WHEREAS, the County Planning Department has 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, in accordance with Section 121-67(D) of the Zoning Code, the Planning Board voted on June 26, 2019 that no public hearing was required for this minor project site plan; 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; and

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") subject to the following conditions:

- (1) Prior to the execution of the Approved Site Plans by the Planning Board Chairman, the Applicant shall:
 - a. provide a survey by a NYS-licensed surveyor of the final approved building envelope, and the four corners shall be marked with steel stakes in the field.
 - b. Add the following note to the roadway improvement plan on Page L 3.0 of the site plan at a point 15' prior to the widened section.

"Cross-slope adjustment to slightly elevate one side beginning at this point through the 3' wide x 160' long road widening area."

- c. The location of or at least the closest portion of the 100' by 150' Building Envelope shall be clearly indicated on the water storage plan Page L 3.0 of the site plan.
 - d. Add notes to the site plan to reflect the architectural restrictions set forth in conditions (6) and (7) of this resolution.
- (2) 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.
- (3) Tree removal shall be limited to the area within the 100' x 150' building envelope. 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' 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.
- (4) The proposed residential and all accessory structures shall be located within the defined 100' x 150' building envelope.
- (5) 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.
- (6) 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.

- (7) 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.
- (8) At all times, the Applicant shall comply with the Approved Site Plans including, without limitation, all notes set forth on the plans.
- (9) The Applicant shall pay all of the outstanding invoices for the Planning Board's consultants prior to the signing of the Approved Site Plans by the Planning Board Chairman and prior to the issuance of a building permit by the Building Inspector; and
- (10) 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.

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 hereby authorizes the Planning Board Chairperson to stamp and sign the Approved Site Plans upon the Applicant's compliance with all applicable conditions; and


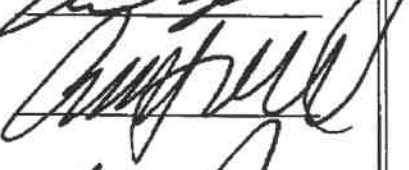
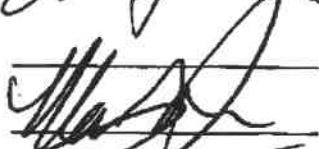


BE IT FURTHER RESOLVED, that in accordance with Section 121-68(E) of the Town's Zoning Code: (1) this site plan approval shall expire if the Applicant fails to commence construction, to obtain the necessary Building Permits, or fails to comply with the conditions of the site plan approval within 18 months 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:

Motion By: Matthew Deister

Second By: Walter Brett

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Robert Boyles, Chairperson	✓				
Anthony Robustelli	✓				
Peter Clair				✓	
Matthew Deister	✓				
Erich McEnroe	✓				
Walter Brett	✓				
John Stefanopoulos				✓	

Dated: September 11, 2019
Amenia, New York


Robert Boyles, Planning Board Chair

EXHIBIT B



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

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DEC 10 2020
Amenia Town Clerk

TOWN OF AMENIA PLANNING BOARD

Resolution # 6 for 2020

Resolution Granting One-Time Extension of Site Plan Approval for a Residence at 108 Westerly Ridge Drive

December 9, 2020

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"); and

WHEREAS, on September 11, 2019, the Town of Amenia Planning Board (the "Planning Board") approved a site plan application (the "Site Plan Approval") for the Applicant 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 Site Plan Approval ("Conditions of Approval"); and

WHEREAS, in accordance with Section 121-68(E) of the Town of Amenia Zoning Code (the "Zoning Code"), the Site Plan Approval will expire if the Applicant fails to obtain the necessary building permits and satisfy the Conditions of Approval within eighteen (18) months of the date of the Approval, unless the Planning Board grants an extension; and

WHEREAS, Section 121-68(E) of the Zoning Code allows the Planning Board to grant a one-time six-month extension of the Site Plan Approval; and

WHEREAS, the Site Plan Approval will expire on March 11, 2021. The Applicant has satisfied all the conditions of the Site Plan Approval and the plan was signed by the Chairman on January 3, 2020; 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 which was significantly delayed in the beginning of the year due to business closures related to the national coronavirus health emergency; and

WHEREAS, the Applicant has requested a six (6) month extension of the Site Plan Approval through September 11, 2021 to pursue its sale and the subsequent completion of the

Project; and

WHEREAS, the Planning Board concludes that the requested extension is reasonable given the related delays and the Applicant's continuing efforts to sell and start the Project.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby grants a one-time extension of the Site Plan Approval for an additional six (6) months through and including September 11, 2021. All terms and conditions of the original Site Plan Approval shall remain in full force and effect; 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 as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Robert Boyles, Jr. Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Stefanopoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Walter Brett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Patrick Lawlor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Matthew Deister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leo Blackman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: December 8, 2020
Amenia, New York

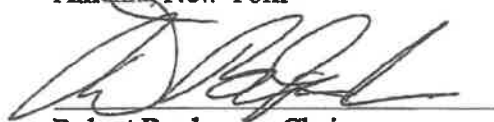

Robert Boyles, Jr., Chairperson
Town of Amenia Planning Board

EXHIBIT C



TOWN OF AMENIA

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SEP 09 2021

TOWN OF AMENIA PLANNING BOARD

Amenia Town Clerk

Resolution # 12 for 2021

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

September 8, 2021

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, 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 been significantly delayed due to the national coronavirus health emergency; and

WHEREAS, on August 26, 2021 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; and (5) 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 the 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 L. Blackman, seconded by R. Boyles, Jr., 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	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
John Stefanopoulos	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Walter Brett	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>✓</u>
Neal Kusnetz	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Matthew Deister	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Leo Blackman	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Anthony Robustelli	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

Dated: September 8, 2021
Amenia, New York

Judith Westfall
Judith Westfall, Planning Board Clerk

EXHIBIT D



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

RECEIVED

AUG 10 2023

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