



# TOWN OF AMENIA

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## TOWN OF AMENIA PLANNING BOARD

Resolution # 1 for 2024

February 14, 2024

RECEIVED  
FEB 15 2024  
Amenia Town Clerk

### Resolution Approving Lot Line Adjustment for Levin

**WHEREAS**, and Michael Levin and Laurence DeSegonzac Levin (the “Applicants”) are the owners of 150.370± acres of land located at 173-279 Amenia Union Road, Town of Amenia, New York (Parcel Grid Identification Number: 7266-00-340380) (“Lot 1”) and Michael Levin is the owner of 465.60± acres of land located at 103 Leedsville Road, Town of Amenia, New York (Parcel Grid Identification Number: 7266-00-165686) (“Lot 2”); and

**WHEREAS**, Lots 1 and 2 are located in the Rural Agricultural (RA) Zoning District, the Floodplain Overlay District, the Stream Corridor Overlay District, the Upland Aquifer Overlay District, the Scenic Protection Overlay District, the Historic Preservation Overlay District and the Valley Aquifer Overlay District as set forth in the Town of Amenia Zoning Law; and

**WHEREAS**, on or about December 17, 2023, the Applicants submitted an application to the Planning Board for a lot line adjustment pursuant to Chapter 105 of the Code of Amenia (“Subdivision Law”) for the purpose of conveying 88.474± from Lot 1 to Lot 2 (the “Application”); and

**WHEREAS**, the subdivision will result in: (1) a ±554.074-acre farm located at 103 Leedsville Road; and (2) a ±61.896-acre farm at 173-279 Amenia Union Road that contains an existing farmhouse, a second house, a cottage, several barns, garages and sheds, and a tennis court; and

**WHEREAS**, in accordance with the definitions in the Subdivision Law, a lot line adjustment is classified as a minor subdivision; and

**WHEREAS**, pursuant to the Subdivision Law, the documents submitted by the Applicants as part of the Application consisted of: (1) a completed Land Use Application; (2) completed Subdivision-Lot Line Preliminary and Final Plat Plan Applications; (3) a Short Environmental Assessment Form; (4) an Agricultural Data Statement; (5) a drawing entitled “Levin Lot Line adjustment” prepared by Kirk K. Horton, dated December 3, 2023; (6) a completed Authorization of Agent form; and (7) the requisite filing fee and escrow amount for the Application; and

**WHEREAS**, the Town of Amenia Planning Board (“Planning Board”) reviewed and considered all the above referenced documents submitted by the Applicants as part of the Application; and

**WHEREAS**, this action is a Type 2 action under 6 NYCRR § 617.5(c)(16) of the New York State Environmental Quality Review Act because it involves granting a lot line adjustment; and

**WHEREAS**, an agricultural data statement was circulated by the Planning Board Secretary based on the Application and as required by Section 305-b of the NYS Agriculture & Markets Law and no comments were received about any impacts from the Project upon the functioning of farm operations; and

**WHEREAS**, on January 10, 2024, the Planning Board deemed the application to be complete for purposes of scheduling a public hearing and notice of the public hearing was duly published; and

**WHEREAS**, a public hearing was held by the Planning Board for the Project on February 14, 2024, in accordance with Section 105-35 of the Subdivision Law, and Section 276 of New York State Town Law. No substantive comments were received from the public and the hearing was closed on that date.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with Section 105-11 of the Subdivision Law, the Planning Board hereby approves the minor subdivision plan entitled “Levin Lot Line Change” prepared by Kirk K. Horton, dated December 3, 2023, last revised January 20, 2024, subject to the following conditions:

1. The Applicants shall provide the Planning Board attorney copies of the deeds for the transfer of 88.474 acres from Lot 1 to Lot 2 to confirm form and adequacy; and
2. Prior to the execution of the approved minor subdivision plan by the Planning Board Chairperson, the Applicants shall address the comments from the Town Engineer to the satisfaction of the Engineer; and
3. Prior to the execution of the approved minor subdivision plan by the Planning Board Chairperson, the Applicants shall pay any outstanding invoices of the Planning Board’s consultants incurred in connection with this Application.

**BE IT FURTHER RESOLVED**, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the approved minor subdivision plans upon the Applicants’ compliance with the above conditions; 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 extension; and

**BE IT FURTHER RESOLVED**, that pursuant to Section 105-13(F)(1) of the Subdivision Law and NYS 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**, that pursuant to Subdivision Law Section 105-13(E), no adjustments, 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 Chair. In the event that any final plat, when recorded, contains any such adjustments, 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 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 Applicants within the same five (5) day period; and

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

Motion By: Nina Peek

Second By: John Stefanopoulos

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	<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"/>
James Walsh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
John Stefanopoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Neal Kusnetz	_____	_____	_____	✓
Matthew Deister	_____	_____	_____	✓
Walter Dietrich	✓	_____	_____	_____

Dated: February 14, 2024  
Amenia, New York

  
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Judith Westfall  
Planning Board Secretary