



TOWN OF AMENIA

PLANNING DEPARTMENT
4988 Route 22, AMENIA, NY 12501
(845) 373-8860, Ext. 122-124 Fax (845) 789-1132

**PLANNING BOARD MEETING
WEDNESDAY, FEBRUARY 14, 2024
7:00 P.M. – IN-PERSON
AMENIA TOWN HALL
UPSTAIRS MEETING ROOM**

AGENDA

REGULAR MEETING:

PUBLIC HEARING:

1. LEVIN - LOT LINE ADJUSTMENT – 189 AMENIA UNION RD

REGULAR MEETING: TOPOLSKY – 95 CASCADE MTN. ROAD – GROUND MOUNTED SOLAR

OTHER MATTERS: MINUTES 1-24-24

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TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 x122
Fax (845) 789-1132

PLANNING BOARD MEETING
WEDNESDAY, FEBRUARY 14, 2024
IN-PERSON AT TOWN HALL
Upstairs Meeting Room
7 pm

PRESENT: Rob Boyles
John Stefanopoulos
Nina Peek
Walter Dietrich

ABSENT: James Walsh
Matthew Deister
Neal Kusnetz

CONSULTANTS: John Andrews - Town PB Engineer
Paul VanCott – Town PB Attorney
Christopher Prentis – Lower Hudson Forestry Services
For Applicant Turkey Hollow Inc – Timber Harvest
Courtney Roberts – Empire Solar – for Topolsky

Chairman Robert Boyles, Jr. opened the Planning Board meeting at 7:00. The Pledge of Allegiance was recited and the Chairman informed the attendees of the location of the exits in case of an emergency.

Chairman Boyles Opened the **Public Hearing for the Levin Lot Line Adjustment Application for 189 Amenia Union Road.**

John Andrews highlighted his comments (see attached) and stated that 3 items still needed to be submitted and he had no further issues with the application. They include: The Owner's Consent Note, The Surveyor's Certification, and Dutchess County Health Department's permission to file.

Updated mapping was submitted from Kirk Horton

Paul VanCott said that the proposed deeds for the project still need to be submitted

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A discussion between Mr. Horton and Mr. VanCott ensued about which descriptions on the deeds were needed.

These will be submitted to Judy Westfall and reviewed by Paul VanCott for approval before signature by the Chairman

After the Public Hearing is closed and the Board passes the Resolution, and the deeds have been reviewed and approved by Mr. VanCott, the Chairman will be able to sign the Plat.

Chairman Boyles invited the Public to speak. There were no comments from the Public.

Chairman Boyles Closed the Public Hearing

The “Resolved” clauses of the draft Resolution

#1(Resolution Approving Lot Line Adjustment for Levin) were read aloud by Paul VanCott.

Motion was made by Nina Peek, seconded by Walter Dietrich to approve the resolution(Attached) . Roll call vote was as follows:

Robert Boyles, Jr. Chair	YES
Nina Peek	YES
James Walsh	ABSENT
John Stefanopoulos	YES
Neal Kusnetz	ABSENT
Matthew Deister	ABSENT
Walter Dietrich	YES

4 – YES and 3 – ABSENT The Motion Carried.

Motion made to resume Regular Meeting was made by Nina Peek, seconded by Walter Dietrich and carried unanimously.

TOPOLSKY-95 CASCADE MT.ROAD - GROUND MOUNTED SOLAR

John Andrews highlighted the project. (Please see attached comment memo)All items of his were satisfactorily resolved. There were no formal requests for waivers. The Planning Board will consider the ones being asked for. The members of the Planning Board (Peek & Walsh) who visited the site, determined that there would be no negative visual impact for the surrounding neighbors for the Solar Array as proposed therefore no additional screening is necessary. A final Electrical inspection and certification will be necessary to complete the job by a third party electrician required by the Building Inspector.

Chairman Boyles asked for Paul VanCott's comments; he had none. He did however, speak to the waiver which is included in the eighth "WHEREAS" clause regarding the Site Plan.

Mr. VanCott continued by reading the rest of the **Resolution #2 Granting Site Plan Approval for Ground Mounted Solar Energy System – Topolsky(see attached)**

Motion Made by Nina Peek, Seconded by John Stefanopoulos and roll call vote results were the following:

Robert Boyles, Jr. Chair	YES
Nina Peek	YES
James Walsh	ABSENT
John Stefanopoulos	YES
Neal Kusnetz	ABSENT
Matthew Deister	ABSENT
Walter Dietrich	YES

4 – YES and 3 – ABSENT The Motion Carried.

OTHER MATTERS; The Minutes from 1-24-24 were not approved
We will revisit them on 2-28-24

Further discussion initiated about the current status of the Turkey Hollow, Inc. Application for Timber Harvest coming up on February 28, 2024. Chris Prentis, forester for the applicant notified us of changes that are necessary. Mr. VanCott and Mr. Andrews advised the Board to Open and continue the Public Hearing but explain to any neighbors present that the application will be changing.

Chairman Boyles announced the cancelation of the scheduled Planning Board Meeting of Wednesday, March 27, 2024.

Motion to Adjourn at 7:27pm was made by Nina Peek, Seconded by John Stefanopoulos and carried unanimously.

Next Meeting is Scheduled for Wednesday, February 28, 2024

Respectfully Submitted,

Judith Westfall

Planning Board Secretary

The foregoing minutes are taken from meeting of the Planning Board held on February 14, 2024 and are not to be construed as the official minutes until approved.

Approved as read

Approved with: additions, corrections and deletions



MEMORANDUM

TO: Town of Amenia Planning Board
FROM: John V. Andrews, Jr., P.E.
PROJECT: Levin – Lot Line Re-Alignment
SUBJECT: Review Comments-Revised Submittal
JOB NO.: 24-352-120
DATE: February 12, 2024

Pursuant to your request, we have reviewed the following revised documents submitted in support of the above-described project:

1. Lot Line Map-Levin Lot Line Change-prepared by Kirk K. Horton, LS, dated December 3, 2023, last revised January 20, 2024, scale 1" = 120'.

The project is located in the Rural Agricultural (RA) Zoning District. Portions of the involved parcels are located in the Flood Plain Overlay (FPO), Stream Corridor Overlay (SCO) District, in both the Priority/Primary Valley Bottom Aquifer (PVBA) and the Upland Aquifer and the Scenic Protection Overlay (SPO) (mostly the upper elevations). The involved parcels are both located in Agricultural District 21 and are currently used for agricultural purposes.

The project, as we understand it, involves a lot line realignment between the two (2) existing parcels which results in two (2) parcels of differing size. No improvements or physical changes are proposed as a result of this action.

The following comments are offered for your consideration. The comments are numbered to correspond to the comments contained in our January 8, 2024 review memorandum. New comments are indicated in **BOLD**.

1. Lot line realignments are considered Minor Subdivisions under the Town Code. This should be processed as a minor Subdivision. A public hearing will be required. [**Remains for information only.**]
2. The Application while lacking minor information is sufficiently detailed to schedule a public hearing. The items to be provided do not impact the ability of the public to properly understand and comment on the application. The Planning Board could schedule the necessary public hearing for the first meeting in February. [**Public hearing scheduled for February 14, 2024**]
3. Lot lines changes are considered Type II actions under SEQRA. No environmental review is required. A fully completed Short Environmental Assessment Form (SEAF) was included with the Application. No conditions of concern were identified. [**No further action required.**]
4. The Owners Consent Note will need to be signed and dated following the date of last revision by representatives of both owners.
5. The Surveyors certification will need to be signed and sealed prior to signature by the Chairman.

17. Drawing 5A-Solar 3-Line Diagram-95 Cascade Mountain Road prepared by Empire Solar, dated October 12, 0223 scale As Noted.
18. Drawing 5B-Solar 3-Line Diagram-95 Cascade Mountain Road prepared by Empire Solar, dated October 12, 0223 scale As Noted.

The project site is in the Rural Residential (RR) Zoning District, and the Upland Aquifer (UA) with portions of the higher elevations of the property being in the Scenic Protection Overlay District and a small area along Cascade Mountain Road in the Stream Corridor Overlay Zone. The property contains an existing single-family dwelling unit and detached garage/barn. The site consists of 50.73 acres.

The project, as we understand it, involves the installation of a ground mounted solar energy system (GMSES) on the property. This type of installation is regulated by Zoning Chapter 121 § 121-52.1. Solar energy systems.

The proposed installation meets the definition of a ground mounted solar energy system (GMSES) in the Code section. A GMSES are a use permitted by right subject to site plan review by the Planning Board in the RR Zoning District. GMSES are permitted as an accessory structures to Legally Permitted structures. This use is subject to requirements contained within the Code Section.

The project is considered a minor project. It falls well within the thresholds established for a minor project. We recommend that the Planning Board treat this as a minor project.

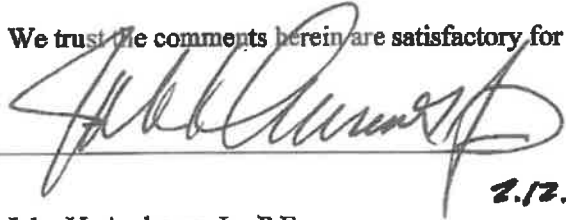
The following comments are offered for your consideration. The comments are numbered to correspond to the comments contained in our review memorandum dated December 7, 2023. New comments are indicated in **BOLD**.

1. The application is incorrect and should be revised accordingly. The Application is for a Special Permit. The applicable code section requires site plan approval as does the Building Inspector/Code Enforcement Officer denial letter. The application should be revised accordingly. **[Application revised. Reflects site plan approval. Considered resolved.]**
2. The project appears to be a Type II action under SEQRA , section 617.5(c) (12) as it involves the construction, expansion, or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density. We recommend that the Planning Board determine this to be a Type II action, not subject to further environmental review. **[Classified Type II by the Planning Board – no further review required.]**
3. The Agricultural Data Statement should be revisited. It should reflect site plan approval. The involved parcel and several parcels within 500' of the involved parcel are within Agricultural District 21. Available Tax records suggest that the parcels may be portions of active farms. **[Mailed per applicant's submission. Mailed per available Tax parcel information. Intervening property transfer with no updated addressing. Defer to opinion of Counsel]**
4. §121-52.1.H.(1) requires in any district which has a minimum lot size of 5 acres, which the RR Zoning District does, the minimum setback from any property line is 100. The plan shows a 100' minimum setback. There is also a note on the plan that the array shall be staked in the field by a licensed professional surveyor prior to installation. The surveyor shall confirm the required offset at the time of that staking. **[Additional dimensions provided. Subject to Building Inspector verification at time of construction.]**

Memo to the Planning Board
Levin - Review Comments- Revised Submittal
February 12, 2024
Page 2 of 2

6. Permission to file will need to be obtained from Dutchess County Department of Health prior to signature by the Chairman.
7. An overall map showing both parcels in their entirety should be provided. A map utilizing the Tax map as its base can be used and expanded to show the various Town Overlay Districts as well as the wetlands that impact the parcels. **[Overall map added. Town overlay districts noted on plat. A separate plan showing all districts related to the involved properties was submitted into the record at the last Planning Board meeting. Considered resolved.]**

We trust the comments herein are satisfactory for your purposes.



2.12.2024

John V. Andrews, Jr., P.E.

cc: Paul Van Cott, Esq.



MEMORANDUM

TO: Town of Amenia Planning Board
FROM: John V. Andrews, Jr., P.E.
PROJECT: Topolsky Ground Mounted Solar (95 Cascade Mt. Road)
SUBJECT: Review Comments-Revised Submittal
JOB NO.: 23-352-119
DATE: February 12, 2024

Pursuant to your request, we have reviewed the following revised documents submitted in support of the above-described project:

1. Letter from Empire Solar Solutions-95 Cascade Mountain Road dated January 11, 2024.
2. Letter to Town of Amenia from Empire Solar Solutions-95 Cascade Mountain Road, dated November 1, 2024.
3. Short Environmental Assessment Form-95 Cascade Mountain Road dated November 6, 2023
4. Town of Amenia-Special Use and Site Plan Application-95 Cascade Mountain Road.
5. Town of Amenia-Special Use and Site Plan Application Project Description-95 Cascade Mountain Road.
6. Town of Amenia-Land Use Application-95 Cascade Mountain Road.
7. Town of Amenia-Authorization of Agent -95 Cascade Mountain Road dated December 22, 2023
8. Town of Amenia -Escrow for Professional Services-95 Cascade Mountain Road dated December 22, 2023.
9. Town of Amenia- Agricultural Data Statement-95 Cascade Mountain Road.
10. Letter to Town of Amenia Building Department from Michael Miele, PE-95 Cascade Mountain Road, dated October 18, 2023
11. Letter from Town of Amenia to Empire Solar Solutions-95 Cascade Mountain Road dated October 21, 2023.
12. Letter from NYSEG to Empire Solar Solutions-95 Cascade Mountain Road dated December 13, 2023.
13. Drawing 1 -Project Site Plan and Notes-95 Cascade Mountain Road prepared by Empire Solar, dated October 12, 0223 scale As Noted.
14. Drawing 2 -Solar Panel Layout Plan-95 Cascade Mountain Road prepared by Empire Solar, dated October 12, 0223 scale As Noted.
15. Drawing 3 -Solar Panel & Inverter Specifications-95 Cascade Mountain Road prepared by Empire Solar, dated October 12, 0223 scale As Noted.
16. Drawing 4 -Solar Panel Signage-95 Cascade Mountain Road prepared by Empire Solar, dated October 12, 0223 scale As Noted.

5. §121-52.1H.(7) requires that all GMSES in residential areas be installed in the side or rear yard. This is an irregularly configured property. The location of the array does not fall within the definition of a front yard. The Building Inspector shall confirm that the location is within a side or rear yard. **[Determination made by the Building Inspector/Code Enforcement Officer, email dated January 8, 2024, located in rear yard.]**

6. The applicable Code Section requires that an application for site plan approval include all items set forth in Section 121-65(B). The documentation submitted with the application is insufficient to allow a proper evaluation of the proposal. Since this is a minor submittal, there is latitude on the part of the Planning Board to require less information than the Code calls for, provided the information allows for a detailed review of the proposal. The Planning Board should discuss with the Project Sponsor its requirements in that regard. Any waivers from the requirements shall be requested in writing by the Applicant from the Planning Board with such documentation as necessary to justify the waiver. **[Planning Board discussed waivers. Agreed they would be appropriate. No specific written request made. Discussion in record. Defer to Counsel as to whether or not that is sufficient]**

7. Town Code Section 152.1 H.(4) requires the following: "Screening: Any GMSES visible during leaf-off conditions, when viewed from the edge of an applicant's property line shall be screened from adjacent properties and public rights-of-way by fencing; a landscape buffer, such as evergreen or deciduous plantings; or a combination thereof to minimize visual impact from the system to either public roads or neighboring properties. The screening shall be maintained at all times and shall be replaced as soon as practicable if damaged or destroyed for any reason. The Planning Board has the authority to take the physical characteristics of the site into consideration as it relates to view-shed and screening requirements." The plan submittal indicates that the array is proposed in an open field above an open field on the adjacent parcel. The array is at a considerable distance from the road, at an elevation well above the road surface. The Planning may want to discuss screening with the Applicant and obtain documentation, such as existing conditions photos to determine the visibility of the array. **[Site visit made by several Planning Board members. No additional screening required. Proposed array not likely visible from adjacent properties. Member report and discussion in the record.]**

8. Town Code Section 152.1 H.(5) requires: "Verification of utility notification: Each applicant shall submit a copy of their application to the public electrical utility. Foreseeable infrastructure upgrades shall be documented and submitted, and all materials shall be submitted to the Planning Board concurrent with application materials for site plan approval. All materials shall be subject to approval by the Planning Board. No building permit will be issued for a GMSES until such time as the electrical utility has verified its approval." No documentation has been submitted. **[Documentation received. Considered resolved as the final certification requires certification and final electrical inspection.]**

We trust the comments herein are satisfactory for your purposes.


John V. Andrews, Jr., P.E.

cc: Paul Van Cott, Esq.
Mike Segelken, Building Inspector.



TOWN OF AMENIA

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

TOWN OF AMENIA PLANNING BOARD

Resolution # 1 for 2024

February 14, 2024

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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	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Nina Peek	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
James Walsh	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>✓</u>
John Stefanopoulos	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

Neal Kusnetz

✓

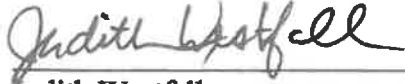
Matthew Deister

✓

Walter Dietrich

✓

Dated: February 14, 2024
Amenia, New York



Judith Westfall
Planning Board Secretary



TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

Amenia Town Clerk

Resolution # 2 for 2024

Resolution Granting Site Plan Approval for Ground Mounted Solar Energy System Topolsky

February 14, 2024

WHEREAS, Kenneth Topolsky (the "Applicant") is the owner of approximately 50.73 acres of residential land located at 95 Cascade Mountain Road in Amenia, New York (the "Property") which is situated in the Rural Residential (RR) and Rural Agriculture (RA) Zoning Districts, with a portion of the Property in the Upland Aquifer Overlay District and the Scenic Protection Overlay District; and

WHEREAS, on or about December 22, 2023, Empire Solar Solutions, the Applicant's project sponsor, submitted to the Town of Amenia Planning Board (the "Planning Board") an application for site plan approval to allow for the construction of a 498.48 square foot (10.08 kilowatt) accessory ground-mounted solar energy system ("GMSES") at the Property (the "Project"); and

WHEREAS, the Project is sited within the RR Zoning District and the Upland Aquifer Overlay District and is a permissible use in these Districts subject to Site Plan approval from the Planning Board; and

WHEREAS, the documents submitted by the Applicant as part of its application consist of the following: (1) Land Use Application; (2) Site Plan prepared by Empire Solar Solutions, dated October 12, 2023; (3) Short Environmental Assessment Form ("SEAF"); (4) Agricultural Data Statement; (5) Engineer Certification; (6) construction specifications and details prepared by Empire Solar Solutions; (7) the requisite filing fee and escrow amount for the application; and (8) additional information, including supplemental information sought by the Planning Board (the "Application"); and

WHEREAS, at a meeting on February 14, 2024, the Planning Board reviewed and considered all of the above referenced documents submitted by the Applicant as part of its Application, including updated information sought by the Planning Board; and

WHEREAS, pursuant to the Town of Amenia's Local Law 2 of 2019 ("Local Law 2 of 2019"), which amended Chapter 121 of the Town of Amenia Zoning Law (the "Zoning Law"), a GMSES is permitted as an accessory structure to residential property located in the RR and RA Zoning Districts, subject to site plan approval by the Planning Board, so long as the surface area of the solar panels measures less than 50% of the footprint of the primary structure; and

WHEREAS, some of the Planning Board members visited the Property, where the proposed Project location had been staked, and reported that they did not believe that the Project would be visible from adjacent properties and that no additional screening appeared necessary or warranted; and

WHEREAS, in reviewing this Application the Planning Board considered several factors, including without limitation that: (1) the surface area of the Project will comprise less than 50% of the footprint of the primary structure on the Property; (2) the Project involves an existing developed residential site; (3) the proposed GMSES will be placed in an open area adjacent to the existing home; that the GMSES is substantially screened from adjacent property by existing buildings and vegetation; (4) there will be no grading, clearing, or substantial site work or tree removal involved in the Project except for trenching for the new utility lines from the installation to the existing house; (5) no other modifications to the Property are proposed; and (6) sufficient information was provided to evaluate the installation of the GMSES. As a result, the Planning Board has determined to waive those items required by Section 121-65(C) of the Zoning Law typical for more substantial site plan applications, including, but not limited to, on-site utility systems, topography, traffic flow, detailed elevations and plans for construction and demolition debris; 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 Law; and

WHEREAS, the Project is a Type 2 action under the State Environmental Quality Review Act because it entails the construction of a minor structure accessory to a residential use which does not change land use or density (6 NYCRR § 617.5(c)(12); and

WHEREAS, due to the Project's proximity to a farm operation within Agricultural District #21 the Application was referred to the Dutchess County Planning Department ("County Planning Department") pursuant to GML 239-m and the County Planning Department determined that the Project is of local concern only, providing no additional comments and requiring no modifications; and

WHEREAS, in accordance with Section 121-67(D) of the Zoning Law, in its sole discretion, the Planning Board finds that no public hearing is 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 Law and other chapters and regulations of the Town Law, and will be consistent with the purposes of the Zoning Law, Local Law 2 of 2019, 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 Law 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 Law.

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, entitled:

- (i) Sheet-S-1 – "Project Site Plan – Topolsky Residence" prepared by Empire Solar Solutions, dated October 12, 2023;
- (ii) Sheet-S-2 – "Solar Panel Layout Plan – Topolsky Residence" prepared by Empire Solar Solutions, dated October 12, 2023;
- (iii) Sheet-S-3 – "Solar Panel and Inverter Specifications – Topolsky Residence" prepared by Empire Solar Solutions, dated October 12, 2023;
- (iv) Sheet-S-4 – "Solar Panel Signage – Topolsky Residence" prepared by Empire Solar Solutions, dated October 12, 2023; and
- (v) Sheet-S-5 – "Solar 3-Line Diagram – Topolsky Residence" prepared by Empire Solar Solutions, dated October 12, 2023.

(together, the "Approved Site Plans") subject to the following conditions:

- (1) Address all comments to the Planning Board from the Town Engineer, to the satisfaction of the Town Engineer; and
- (2) 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
- (3) At all times, the Applicant shall comply with the Approved Site Plans including, without limitation, all notes set forth on the plans; and

BE IT FURTHER RESOLVED, that, in accordance with Section 121-65(C) of the Zoning Law, the Planning Board hereby waives those items required by Section 121-65(B) typical for more substantial site plan applications, including, but not limited to, on site utility systems, topography, traffic flow, detailed elevations and plans for construction and demolition debris; 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 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 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 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: *Motion Made by: Nina Peek, seconded by: John Stefanopoulos*

	<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Matthew Deister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Walter Dietrich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: February 14, 2024
 Amenia, New York

Judith Westfall

 Judith Westfall, Secretary
 Town of Amenia Planning Board