



# TOWN OF AMENIA

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## TOWN OF AMENIA PLANNING BOARD

Resolution # 3 for 2024

April 10, 2024

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APR 25 2024

Amenia Town Clerk

### **Resolution Approving Minor Subdivision/Lot Line Adjustment for Broughton**

**WHEREAS**, Maria Laura Quintero & Douglas C. Broughton are the owners of 7.318± acres of land located at 390 Old Route 22, Amenia, New York (Parcel Grid Identification Numbers: 132000-7166-000-192244-0000 (“Lot 1”) and 132000-7166-000-194282-0000 (“Lot 2”)); and

**WHEREAS**, Lots 1 and 2 are located in the Suburban Residential Zoning District and the Scenic Protection Overlay District and the Primary Valley Bottom Aquifer Overlay District as set forth in the Town of Amenia Zoning Law (the “Zoning Law”). The lots were previously approved by the Town of Amenia Planning Board as part of the “Dimitriou Subdivision,” with a subdivision plat filed as Map No. 11766 on January 14, 2005 in the Dutchess County Clerk’s Office; and

**WHEREAS**, on or about December 22, 2023, Maria Laura Quintero & Douglas C. Broughton (together, the “Applicants”) submitted a Subdivision – Lot Line Plat Plan Application for a lot line adjustment pursuant to Chapter 105, Article III of the Town of Amenia Subdivision Law (“Subdivision Law”) for the purpose of conveying .588± acres from Lot 2 to Lot 1 (the “Application”); and

**WHEREAS**, in accordance with the definitions in Section 105, Appendix A of the Subdivision Law, a lot line adjustment is classified as a minor subdivision; and

**WHEREAS**, pursuant to Section 105, Appendix C of the Subdivision Law, the documents submitted by the Applicants as part of its 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 (“EAF”), (4) a drawing entitled “Lot Line Adjustment Dimitriou Subdivision filed Map No. 11766” prepared by Kirk K. Horton, L.S., dated October 27, 2023, (5) a completed Authorization of Agent form, and (6) the requisite filing fee and escrow amount for the Application; and

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

**WHEREAS**, County referral under General Municipal Law 239-m was not required because the application constitutes a minor subdivision application, which the Dutchess County Planning Department is not authorized to review; and

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

**WHEREAS**, the Planning Board has deemed the Application to be complete for purposes of scheduling a public hearing; and

**WHEREAS**, a properly noticed public hearing was held by the Planning Board, on April 10, 2024, in accordance with Section 105-35 of the Subdivision Law, and Section 276 of the New York State Town Law; and

**WHEREAS**, the Planning Board has determined that the lot line adjustment requested in the Application will be consistent with the purposes of the Zoning Law and of the SR Zoning District.

**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 “Lot Line Adjustment Dimitriou Subdivision filed Map No. 11766” prepared by Kirk K. Horton, L.S., dated October 27, 2023, subject to the following conditions:

1. The Applicants shall provide the Planning Board attorney copies of the deeds for the transfer of 0.588 acres from Lot 2 to Lot 1 to confirm form and adequacy; and
2. Prior to the execution of the approved minor subdivision plan, the Applicants shall address the comments in the memorandum dated, February 26, 2024 from the Town Engineer, Rohde, Soyka & Andrews, to the satisfaction of the Engineer; and
3. Prior to the execution of the approved minor subdivision plan, the Applicants shall pay the outstanding invoices of the Planning Board’s consultants incurred in connection with this Application; and
4. Prior to execution of the approved minor subdivision plan, the Applicants shall provide a map of the site clearly showing the property with all applicable Town Overlay Districts imposed thereon.

**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-applicable conditions, and the submission requirements stated herein, if any; and

**BE IT FURTHER RESOLVED**, that pursuant to Subdivision Law Section 105-13(E), no changes, 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 changes, 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: James Walsh

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 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 Dietrich          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

Dated: April 24, 2024  
Amenia, New York

Judith Westfall  
Judith Westfall  
Planning Board Secretary