



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, APRIL 24, 2024
7:00 P.M. – IN-PERSON
AMENIA TOWN HALL
UPSTAIRS MEETING ROOM**

AGENDA

REGULAR MEETING:

- 1. Broughton 390 Old Route 22 – Lot Line Change
Update on submission and potential approval of resolution**
- 2. Deep Hollow Game Preserve LLC – Deep Hollow Rd & Corner
of Route 22 – Subdivision for Town acquisition of The Charcoal
Kilns - Eric Bommer Property Owner**
- 3. PUBLIC HEARING (Continued) Turkey Hollow Inc. –
Timber Harvest - 4754 Route 44 Amenia NY**

OTHER MATTERS: CHOOSE A FORESTER

- Jordan Heller or Brent Feldwig

Approval of Minutes 3-13-24 AND 4-10-24



TOWN OF AMENIA

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PLANNING BOARD MEETING
WEDNESDAY, APRIL 24, 2024
IN-PERSON AT TOWN HALL
Upstairs Planning Board Meeting Room 7 pm

PRESENT: Robert Boyles, Jr.
Nina Peek
Walter Dietrich
James Walsh

ABSENT: John Stefanopoulos

CONSULTANTS and others present: John Andrews - Town PB Engineer
Paul VanCott – Town PB Attorney VIA ZOOM
Courtney Roberts -Empire Solar for 390 Old Route 22
Spencer Hall -Surveyor for Deep Hollow Preserve –
Wassaic Kilns
Bernie Leighton – Manager & Caretaker for Deep Hollow
Leo Blackman – Town Supervisor

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

Broughton – Lot Line Adjustment – 390 Old Route 22

Chairman Boyles asked for any new documents from the applicant Applicant's representative Courtney Roberts has asked for waivers John Andrews noted that the Applicant should provide a map showing the Project Site and zoning overlay districts that the project is in be shown on the plat. This is required for all applications.

Ms. Roberts explained the submitted Plat has already been signed and sealed by the surveyor. As such, it would have to be changed and resigned to accommodate the required map - a condition of approval (#4). The Planning Board agreed to allow the Applicant to provide a separate map, showing the Project Site and the Zoning Overlay Districts to include in the record and satisfy the condition of

approval. The Draft Resolution was presented and John Andrews read aloud the “Be It Resolved” clauses. A motion was made by Nina Peek, seconded by James Walsh and carried to grant the Resolution **Approving Minor Subdivision / Lot Line Adjustment for Broughton**. The vote results were as follows:

Robert Boyles, Jr.	Yes
Nina Peek	Yes
James Walsh	Yes
John Stefanopoulos	Absent
Walter Dietrich	Yes

Deep Hollow Game Preserve LLC – Wassaic Kilns Deep Hollow Rd & Rt 22
Spencer Hall, Surveyor was present with the proposal for the proposed subdivision and donation of 0.29 acres (with the Wassaic Charcoal Kilns) to the Town of Amenia for the long-term preservation and maintenance of the kilns.

The property was once subdivided (1997) then re-combined (2002).

The Project Site is located in the RA Zoning District. The Subdivision proposal is to create a 0.29 acre lot to house the kilns. Because the minimum lot size requirement in the RA District is 10 acres, the application will have to be referred to the ZBA for an area variance to create a non-conforming lot. The Dutchess Land Conservancy (DLC) holds a Conservation Easement for the location, which carries its own requirements.

The Planning Board cannot act on the subdivision until ZBA has approved the area variance allowing the non-confirming lot.

Recommended Actions:

1. The Planning Board will accept the application, refer it to Mike Segelken (ZEO) for a determination that a subdivision that would create a non-confirming lot cannot be granted by the Planning Board. Simultaneously, the Planning Board will make a positive referral to the ZBA to grant the necessary area variance.
2. The Town Board will adopt a resolution exempting them from the local zoning requirements..

This application would then be moved forward and filed. Both recommendations can take place so that the project moves forward in a timely manner. All mechanisms for liability and maintenance will need to be in place and accepted by the Town Board before a decision is made.

Bernie Leighton, caretaker for Deep Hollow Preserve stated that he has documentation on all DLC approvals, Dutchess County, etc. He will supply them for the file.

Mr. Leighton stated that the Town Board conducted an On-Site meeting (under Supervisor Perotti) and agreed to take the kilns as a gift from Deep Hollow

Preserve. Mr. Leighton described recent site improvements, including 3 parking spaces and special site fencing, and signage that has been created for the site designed by Historian, Betsy Strauss but not yet installed on the property. A naming of the Park at the kilns will also be done.

Motion was made by James Walsh, seconded by Walter Dietrich and carried, to:
1. Accept the application and refer it to Mike Segelken for a determination that the Planning Board cannot approve a subdivision that creates a non-conforming lot.. And, simultaneously, make a positive referral to the ZBA to grant the necessary area variance. 2. Have the Town Board adopt a resolution to make themselves immune from zoning regulations and causing them to be exempt from any action that needs to be taken for this proposal of subdivision.

John Andrews will communicate this to Town Board attorney, Ian Lindars.

Turkey Hollow, Inc. – Timber Harvest Public Hearing (Continued)

A motion was made by Chairman Boyles, seconded by James Walsh and carried to Re-open the Continued Public Hearing for Turkey Hollow – Timber Harvest and to continue it again on May 8, 2024.

A motion was then made by Nina Peek, seconded by Chairman Boyles and carried to enter into Executive Session to discuss Planning Board's recommendation for Alternate Forester.(7:45pm)

Motion was made by Walter Dietrich, seconded by James Walsh and carried to reconvene the regular meeting.(7:50pm)

A motion was made by Chairman Boyles, seconded by Walter Dietrich and carried to recommend to the Town Board the hiring of Brent Feldweg as alternate forester for The Town of Amenia.

The Minutes of the meetings from 3-13-24 and 4-10-24 were discussed and a motion was made by Nina Peek, seconded by Walter Dietrich and carried to approve them both as amended.

A motion was made by Walter Dietrich, seconded by Chairman Boyles and carried to adjourn the meeting at 8:00pm

Respectfully Submitted,

Judith Westfall

Judith Westfall

Planning Board Secretary

The foregoing minutes are taken from meeting of the Planning Board held on April 24, 2024 and are not to be construed as the official minutes until approved.

_____ Approved as read

✓ _____ Approved with: additions, corrections and deletions



MEMORANDUM-DRAFT

TO: Town of Amenia Planning Board
FROM: John V. Andrews, Jr., P.E.
PROJECT: Deep Hollow Game Preserve, LLC Subdivision (Kilns Subdivision)
Town of Amenia
SUBJECT: Review Comments
JOB NO.: 24-352-123
DATE: April 23, 2024

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

1. Town of Amenia Planning Board -Escrow for Professional Services- Deep Hollow Game Preserve LLC.
2. Town of Amenia Planning Board-Authorization of Agent-253 Deep Hollow Road dated April 2, 2024.
3. Town of Amenia Planning Board-Agricultural Data Statement- 253 Deep Hollow Road.
4. Town of Amenia -Subdivision Final Plat Plan Application-Deep Hollow Game Preserve LLC, dated April 4, 2024.
5. Town of Amenia Planning Board-Subdivision/Lot Line Preliminary Plat Plan Application-Deep Hollow Game Preserve, LLC dated April 2, 2024.
6. Short Environmental Assessment Form- Deep Hollow Game Preserve LLC, dated March 28, 2024.
7. Drawing-Survey-Deep Hollow Game Preserve LLC-prepared by Spencer S. Hall, Land Surveyor, dated March 22, 2024 scale 1"=30'.
8. Drawing-Survey-Certified-Deep Hollow Game Preserve LLC-prepared by Spencer S. Hall, Land Surveyor, dated March 22, 2024 scale 1"=30'.

The project is located in the Rural Agricultural (RA) Zoning District. Portions of the overall parcel are in the Stream Corridor Overlay (SCO) District, in both the Priority/Primary Valley Bottom Aquifer (PVBA) and the Upland Aquifer and the Visual Protection Zone. The land specifically involved in this action is not in any of the identified districts.

The project, as we understand it, involves the subdivision of one large parcel into two (2) parcels. The smaller parcel will be offered to the Town of Amenia for preservation of the historic stone kilns located thereon. No physical improvements are proposed as a result of this action.

The following comments are offered for your consideration:

Memorandum

Review Comments

Deep Hollow Game Preserve, LLC Subdivision (Kilns Subdivision)

April 23, 2024

Page 2 of 2

1. The involves subdividing land into two (2) new lots. This is considered a minor subdivision under the Town Code. This application should be processed as a minor subdivision. A public hearing will be required. We take no exception to the Planning Board scheduling a public hearing when it is appropriate to do so once the determination is made on how to proceed given the requirement for a zoning variance. 0
2. The parcel to be created is 0.29 acres in size. The lot size does not comply with the minimum lot size requirement for the zoning district within which it is located. Additionally, the lot does not comply with other set as set forth in the Dimensional Table for the District. The subdivision cannot be approved and or completed with first obtaining a variance from the Zoning Board of Appeals. The Application is identified as a Limited Development Subdivision, but the proposal is not consistent with that action.
3. The parcel appears to be encumbered by a Conservation Easement held by the Dutchess Land Conservancy, LLC. The terms and conditions of that easement need to be provided to the Planning Board. The consent of the Conservancy to the subdivision and change in ownership may be required. If so, it may be appropriate to add a consent note for signature by the Conservancy.
4. The Owners Consent Note will need to be signed and dated following the date of last revision.
5. The Surveyors certification will need to be signed and sealed prior to signature by the Chairman.
6. Permission to file will need to be obtained from Dutchess County Department of Health prior to signature by the Chairman.
7. The Application packet includes an Agricultural Data Statement. A review of the most recent Tax Rolls indicates that the main parcel and more than one (1) adjacent parcel is in Agricultural District 21. The Project Sponsor should verify the information and update it, as necessary.

We trust the comments contained herein are satisfactory for your purposes. Should you have any questions, please do not hesitate to contact us.

DRAFT

John V. Andrews, Jr., P.E

cc: Paul Van Cott, Esq.
Ian Lindars, Esq.



TOWN OF AMENIA

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

TOWN OF AMENIA PLANNING BOARD

Resolution # 3 for 2024

April 10, 2024

RECEIVED

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	<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>
Walter Dietrich	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

Dated: April 24, 2024
Amenia, New York

Judith Westfall
Judith Westfall
Planning Board Secretary