



# TOWN OF AMENIA

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## TOWN OF AMENIA PLANNING BOARD

Resolution # 3 for 2025

### Resolution Granting Site Plan Extension

March 26, 2025

**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; 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 was signed by the Planning Board’s Chairman on January 3, 2020. A copy of the approved site plans is attached hereto as Exhibit B and incorporated herein as part of this resolution; and

**WHEREAS**, the 2019 Site Plan Approval, for the purpose of limiting the visual impacts of the Project “to the greatest extent practicable,” imposed stringent conditions on tree-cutting, the size of the development envelope for the Project, the size and color of the single-family residence

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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 C 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 D 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, in particular the June 17, 2019 Visual Assessment conducted by Saratoga Associates for the Project; and; 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 finds that no change in the Project or the facts surrounding the Property have 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

**WHEREAS**, at its October 25, 2023 meeting the Planning Board determined that, consistent with the 2019 and 2021 site plans approvals, the Project qualified as a minor project pursuant to Section 121-60(C)(1) of the Zoning Law because it did 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 has determined, in its sole discretion as authorized by the Zoning Law, that no hearing was necessary for the Project since there was no change in the Project or the facts surrounding the Property; 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**, both the 2019 Site Plan Approval and the 2021 Site Plan Approval 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 the June 17, 2019 Visual Assessment provided by the Applicant demonstrated that there remains adequate screening of the Project’s building area. The Planning Board’s visual consultant concurred in this assessment at the time. The Planning Board determined that granting a waiver for the 2023 Application was justified based upon the same findings since there was no change in the Project or the facts surrounding the Property and because, by requiring the Visual Impact Conditions for the Project provided in the 2019 Site Plan Approval and the 2021 Site Plan Approval, granting the waiver “will not impair the scenic preservation purposes of the SPO District;” 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.” No referral to DCPD was required for the 2021 Site Plan Approval pursuant to a 2020 agreement between the Town of Amenia and Dutchess County authorized by GML § 239-m(3)(c) which does not require referral of renewals of site plans that have no changes from previous approvals. DCPD confirmed that no referral was required for the 2023 application based on the agreement between the Town and County; and

**WHEREAS**, pursuant to 6 NYCRR § 617.5(c)(11), the Project is a Type II action under the State Environmental Quality Review Act because it entails the “construction or expansion of a single-family, a two-family or a three-family residence on an approved lot;” 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 was 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; and

**WHEREAS**, for the 2023 Application the Planning Board determined that, based upon the conditions provided in the 2019 Site Plan Approval and the 2021 Site Plan Approval, 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 determined that based upon the conditions for the Project provided in the 2019 Site Plan Approval and the 2021 Site Plan Approval, including the Visual Impact Conditions, the Project requested in the 2023 Application would 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 were based upon the Applicant's representations contained in all of the 2023 Application materials submitted to the Planning Board, the Applicant's required compliance with the conditions for the Project provided in the 2019 Site Plan Approval and the 2021 Site Plan Approval, including the Visual Impact Conditions, and the Applicant's compliance with the Town of Amenia Code including the Zoning Law, as well; and

**WHEREAS**, based upon the foregoing on October 25, 2023 the Planning Board approved the 2023 Application and the Approved Site Plan as set forth in that approval; and

**WHEREAS**, by letter dated November 20, 2024 pursuant to Zoning Law § 121-68(E)(1), the Applicant made a timely request for a "one-time six-month extension" of the October 25, 2023 approval, which will expire on or about April 25, 2025.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 121-68 of the Town's Zoning Law, the Planning Board hereby grants the requested one-time six-month extension of its October 25, 2023 approval of the 2023 Application from its expiration on or about April 25, 2025, which shall be effective upon payment of all of the outstanding invoices for the Planning Board's consultants **AND SHALL EXPIRE ON OCTOBER 24, 2025**; 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) All outdoor lighting for the Project shall be downward facing and of a residential nature to minimize the potential for night-time light impacts;
- (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. Demonstrate 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; and
- 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 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” PRIOR TO THE EXPIRATION OF THIS APPROVAL EXTENSION ON OCTOBER 24, 2025; 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 J. Vitiello, seconded by W. Dietrich and duly put to vote, which resulted as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Robert Boyles, Jr. Chairperson	_____	_____	_____	<input checked="" type="checkbox"/>
Nina Peek, Deputy Chairperson	<input checked="" type="checkbox"/>	_____	_____	_____
John Stefanopoulos	<input checked="" type="checkbox"/>	_____	_____	_____
James Walsh	<input checked="" type="checkbox"/>	_____	_____	_____
Walter Dietrich	<input checked="" type="checkbox"/>	_____	_____	_____
Jamie Vitiello	<input checked="" type="checkbox"/>	_____	_____	_____
Kenneth Topolsky	<input checked="" type="checkbox"/>	_____	_____	_____

Dated: March 26, 2025  
Amenia, New York

Judith Westfall  
Judith Westfall, Secretary