

**TOWN OF AMENIA PLANNING BOARD**

4988 Route 22, Amenia, NY 12501

State Environmental Quality Review Act

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

April 9, 2025

RECEIVED

APR 10 2025

Amenia Town Clerk

This notice is issued pursuant to the New York State Environmental Quality Review Act, Article 8 of the NYS Environmental Conservation Law and its implementing regulations contained in Title 6 Part 617 of the New York State Code of Rules and Regulations (collectively, "SEQRA").

The Planning Board of the Town of Amenia (the "Planning Board"), as the lead agency under SEQRA, has determined that the proposed action described below will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

**Name of Proposed Action:** Levin Minor Subdivision

**SEQRA Status:** Unlisted

**I. DESCRIPTION OF PROPOSED ACTION**

Michael Levin and Laurence De Segonzac-Levin (the "Applicants") seek subdivision of a +61.896-acre parcel located at 189 Amenia Union Road, Tax Parcel # 132000-7266--00-165686-0000 (the "Property") previously amended by a lot line adjustment filed as Map # 12830, located in the Rural Agricultural (RA) Zoning District as set forth in the Town of Amenia Zoning Law (the "Zoning Law"). On or about November 12, 2024, the Applicants applied to the Planning Board for approval of a two-lot subdivision pursuant to Chapter 105, Article III of the Town of Amenia Code ("Subdivision Law") to create a ±8.719-acre parcel ("Lot 1") and a ±53.177-acre parcel ("Lot 2") (the "Project").

The Applicant has submitted the following materials in support the Project:

- (1) a completed Land Use Application;
- (2) completed Subdivision Preliminary and Final Plat Plan Applications;
- (3) a Short Environmental Assessment Form ("EAF");
- (4) an Agricultural Data Statement;
- (5) a final plat;
- (6) a completed Authorization of Agent form; and
- (7) the requisite filing fee and escrow amount (collectively, the "Application").

**II. SEQRA COMPLIANCE**

The Project's potential environmental impacts must be reviewed pursuant to the State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA"). For the Planning Board, review of the proposed Project is the

SEQRA “action” based on the Application submitted by the Applicants. The Planning Board has classified the Project as an Unlisted action pursuant to 6 NYCRR § 617.

### **III. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS**

The lead agency must consider the criteria for determining the significance of potential environmental impacts from the Project as set forth in the SEQRA regulations at 6 NYCRR § 617.7(c). To accomplish this, the lead agency reviews all relevant information and completes Parts 2 and 3 of the SEAF to provide the basis for its SEQRA determination. For the Project, the identification of potential impacts and assessment of potential environmental impacts based on SEAF Part 2 is discussed below.

Based on the following discussion, the Project will not create any significant adverse environmental impacts, and it is respectfully submitted that a Negative Declaration by the Planning Board is warranted under SEQRA.

#### **1. Impact on Land**

The Project will result in two parcels that will each contain an existing, single-family home. The proposed boundary lines follow the Property’s natural resources, placing the Class C (T) stream, wetlands, topography and forested areas in the unbuildable setback areas of each newly created parcel. Setbacks in the RA and RR zoning districts are 60-foot front, 30-foot side and 50-foot rear setbacks. The proposed boundary was also chosen to protect an adjacent livestock grazing field, protected by a conservation easement. As additional development is not anticipated or supported, the Project is not anticipated to have any significant adverse impacts on land.

#### **2. Impact on Geological Features**

There are no unique landforms on the Property that will be impacted by the Project. No surface or shallow bedrock will be affected by construction of the Project. No geological feature publicly identified by the National Park Service as Natural Resource Landmark is present on or next to the Site. Accordingly, the Project is not anticipated to have any significant adverse impact on geological features.

#### **3. Impact on Surface Water**

##### **a. Stormwater**

As discussed above no additional disturbance or development is anticipated. Accessory residential structures may be constructed or installed, resulting in minimal impact. As a result, run-off from the Property will continue to be the same as under the existing conditions.

##### **b. Wetlands**

The Property contains federal and state wetlands at the property boundary (NYSDEC AM-17) and Mill Brook, a Class C(T) Stream (825-110.2, 825-106 and 825-111). The Town of Amenia Zoning Code (310-5.4) prohibits wetland disturbance during subdivision. As proposed, the Project creates a large buffer between the existing single-family home from the stream and wetlands, placing these wetlands in the 50-foot rear setback areas of the subdivided parcels.

Therefore, the Project will not create any significant adverse environmental impacts to surface water resources.

#### **4. Impact on Groundwater**

Although the Property is located on the Principal Aquifer, the Project creates two parcels that each contain an existing single-family home, and additional development is not proposed or supported by the Project. Therefore, the Project will not create any significant adverse impacts to groundwater.

#### **5. Impact on Flooding**

The Property is in the designated floodway and 100-year floodplain. However, the Project will not have any significant adverse impacts on flooding. As discussed in detail above and shown on the Subdivision Plat, impervious surfaces are existing single-family homes on each subdivided parcel and the Project does not propose or make possible additional significant development. Therefore, the Project will not create any significant adverse impacts to flooding.

#### **6. Impact on Air**

The Project will not result in any significant adverse impacts on air quality. The Project does not include a State regulated air emission source or involve any activity that will have more than a minimal impact on air quality.

Based on the foregoing, the Project will not create any significant adverse impacts to air quality.

#### **7. Impact on Plants and Animals**

The Project will not have a significant adverse impact on plants and animals as the single-family homes are pre-existing and the Property is not in or adjoining a critical environmental area. The Property does potentially contain two species of concern, the Timber Rattlesnake and the Dwarf Wedgemussel. However, since the proposed boundaries place habitat areas in the unbuildable setback areas, and no new development is proposed, these species will not be impacted by the subdivision. Therefore, the Project will not create any significant adverse impacts to plants and animals.

#### **8. Impact on Agricultural Resources**

The Property is located in Dutchess County Agricultural District 21, adjacent to an operating farm under different ownership and the proposed Lot 2 is an operating farm. However, the Project does not displace or interrupt farming activities since the single-family homes are pre-existing and the proposed lot lines delineate farming operations on Lot 2 from the residential use of Lot 1 with an existing tree stand on Lot 2. The adjacent farming operation under different ownership sits on the opposite side of Mill Brook, the Class C(T) Stream, portions of which will remain on the agricultural properties.

Based on the foregoing the Project will not have any significant adverse environmental impacts to agricultural resources.

**9. Impact on Aesthetic Resources**

The Project will not negatively impact any viewshed for any officially designated federal, state, or local scenic or aesthetic resource, nor will it impact any officially designated scenic views. Review of the Dutchess County Parks & Trails map confirms that the closest trail is the Harlem Valley Rail Trail and the closest parks are the Wassaic Multi-Use Park and Beekman Park. All of these are over two miles from the Property.

The Applicant owns two existing single-family homes on the Property. Each home will be located on a separate parcel, with the proposed subdivision lines following existing natural resources such as an existing tree stand, a water body, wetlands and adjacent farmland. These resources will be within the setbacks of each Property, protecting against development. The aesthetics will be unchanged from the streetscape.

Based on the foregoing, the Project will not result in any significant adverse impacts to federal, state, or local scenic or aesthetic resources, nor will it impact any officially designated scenic views.

**10. Impact on Historic and Archeological Resources**

The Project will not impair the character or quality of any important historical and/or archaeological resources. The Property is listed on the State and National Registers of Historic Places as part of the Webutuck Agricultural Historic District. However, the Project creates separate lots for two pre-existing single-family homes and these lot lines follow the existing natural resources: water bodies, wetlands, an existing tree stand and adjacent operating farmland, maintaining the historic landscape. No new development is proposed or supported by the Project.

Based on the foregoing, the Project will not create any significant adverse impacts to historic or archaeological resources.

**11. Impact on Open Space and Recreation**

The Project will not result in any loss of recreational opportunities, or any reduction of an open space resource designated in a governmental open space plan. The Property is privately owned and is not used for public recreation, and it is not

Based on the foregoing, the Project will not have any significant adverse impact on open space and recreational resources.

**12. Impact on Critical Environmental Areas**

The Property does not contain any Critical Environmental Areas (CEAs) designated by NYSDEC and therefore no significant adverse impacts will occur to any CEAs.

**13. Impact on Transportation**

The Project will not have a significant adverse impact on local traffic, as it involves the creation of two parcels that contain existing single-family homes.

Based on the foregoing, the Project will not have any significant adverse impacts on traffic or transportation.

**14. Impact on Energy**

The Project will not add any additional draw on energy as the subdivision supports two existing single-family homes. Accordingly, no significant adverse impact on energy will occur.

**15. Impact on Noise, Odor and Light**

No significant adverse noise or odor impacts are expected from the Project since the Property contains two existing single-family homes that will be located on separate parcels after subdivision. No new noise, odor or light sources are proposed on the Property.

Based on the foregoing, the Project will not cause any significant adverse impacts involving noise, odor, or light.

**16. Impact on Human Health**

No significant impacts to human health are anticipated from the Project because all construction and operational activities will be undertaken in accordance with and in compliance with all pertinent environmental and land development regulations and related permit and approval procedures and requirements. The Project is not a manufacturing facility or other facility that would result in any hazardous waste being produced or utilized on the Property.

Based on the foregoing, the Project will not result in any significant adverse environmental impacts related to human health.

**17. Consistency with Community Plans**

The Project is designed to protect natural resources, including adjacent livestock grazing fields on an active farm, Mill Brook and wetlands. The Project is a permitted use in the Rural Agricultural (RA) zoning district and Lot 2 meets the bulk requirements in the Town's Zoning Code while Lot 1 matches nearby parcel sizes in the adjacent zoning district, Rural Residential (RR) where properties in the immediate vicinity range from 100X150, 1/2-acre, 1/4 acre, 1-acre and 5-acres.

Based on the foregoing, the Project will support and further local community plans and will not have a significant adverse impact on them.

**18. Consistency with Community Character**

Single-family homes on lots ranging in size from 8 or more acres in size is consistent with the existing land use pattern in the vicinity of the Property. Mapping of tax parcels within a half-mile radius of the Property revealed that the majority of the neighboring tax parcels are used for residential purposes and the average lot size was 3 acres. Lot 1, proposed at 8 acres, makes a transitional parcel between the RA and RR zoning districts.

Based on the foregoing, the Project will not have a significant adverse impact on the community character of the Town of Amenia.

**For further information:**

**Contact Person:** Robert Boyles, Jr., Chairperson  
Town of Amenia Planning Board  
**Address:** Town of Amenia Town Hall  
4988 Route 22  
Amenia, NY 12501  
(845) 373-8860 ext. 122

A copy of this Notice of Negative Declaration will be filed with:

Town of Amenia Town Board (Town Board);  
Town of Amenia Highway Department;  
Town of Amenia Building Department;  
Dutchess County Department of Planning; and  
NYS Department of Environmental Conservation (NYSDEC)



# TOWN OF AMENIA

PLANNING DEPARTMENT

4988 Route 22, AMENIA, NY 12501

TEL: 845-373-8860 x122 FAX: 845-789-1132

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APR 10 2025

Amenia Town Clerk

## TOWN OF AMENIA PLANNING BOARD

Resolution # 8 for 2025

### Resolution Adopting A Negative Declaration Under the State Environmental Quality Review Act ("SEQRA") for the Levin Minor Subdivision

April 9, 2025

**WHEREAS**, Michael Levin and Laurence De Segonzac-Levin (the "Applicants") seek subdivision of a ±61.896-acre parcel located at 189 Amenia Union Road, Tax Parcel # 132000-7266--00-165686-0000 (the "Property," previously amended by a lot line adjustment filed as Map # 12830); and

**WHEREAS**, the Property is located in the Rural Agricultural (RA) Zoning District as set forth in the Town of Amenia Zoning Law (the "Zoning Law"); and

**WHEREAS**, on or about November 12, 2024, the Applicants applied to the Planning Board for approval of a two-lot subdivision pursuant to Chapter 105, Article III of the Town of Amenia Code ("Subdivision Law") to create a ±8.719-acre parcel ("Lot 1") and a ±53.177-acre parcel ("Lot 2"); and

**WHEREAS**, in support of their proposal, the Applicants have submitted: (1) a completed Land Use Application; (2) completed Subdivision Preliminary and Final Plat Plan Applications; (3) a Short Environmental Assessment Form ("EAF"); (4) an Agricultural Data Statement; (5) a final plat; (6) a completed Authorization of Agent form; and (7) the requisite filing fee and escrow amount (collectively, the "Application"); and

**WHEREAS**, the Town of Amenia Planning Board ("Planning Board") has reviewed the Application and Part 1 of the SEAF, and the Planning Board, acting as the lead agency, confirmed that the Project is an Unlisted action under the State Environmental Quality Review Act ("SEQRA") and conducted an uncoordinated review; and

**WHEREAS**, the SEQRA regulations provide that for an Unlisted action "the lead agency making a determination of significance must: (1) consider the action as defined in sections 617.2(b) and 617.3(g) of [SEQRA]; (2) review the EAF, the criteria [for determining significance contained in SEQRA] and any other supporting information to identify the relevant areas of environmental concern; (3) thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the

environment; and (4) set forth its determination of significance in a written form containing a reasoned elaboration and providing reference to any supporting documentation”; and

**WHEREAS**, the SEQRA regulations also provide that “[t]o determine whether a proposed ... Unlisted action may have a significant adverse impact on the environment, the impacts that may be reasonably expected to result from the proposed action must be compared against the criteria in [Section 617.7(c)(1) of the SEQRA regulations]”; and

**WHEREAS**, after reviewing the Application and completing Parts 2 and 3 of the SEAF and after reviewing the criteria for determining significance set forth under Section 617.7(c)(1) of the SEQRA regulations, the Planning Board determined that no significant adverse environmental impacts will be created by the Project; and

**WHEREAS**, as required by SEQRA, the Planning Board has prepared a written elaboration as to why the Project will have no significant adverse environmental impacts, and why the issuance of a Negative Declaration is appropriate.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Planning Board issues a SEQRA Negative Declaration for the Project concluding that the Project will not create any significant adverse environmental impacts and a draft environmental impact statement will not be prepared; and
2. The Planning Board adopts and incorporates herein by reference, the attached written Negative Declaration for the Project under SEQRA; and
3. The Planning Board directs that the attached Negative Declaration be filed, distributed and published as required by the SEQRA regulations – 6 NYCRR § 617.12; and



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

Motion By: Jamie Vitiello

Second By: Walter Dietrich

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. 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"/>	_____	_____	_____
Kenneth Topolsky	<input checked="" type="checkbox"/>	_____	_____	_____
Jamie Vitiello	<input checked="" type="checkbox"/>	_____	_____	_____

Dated: April 9, 2025  
Amenia, New York

Voted certified by:

Judith Westfall  
Judith Westfall, Planning Board Clerk