



# TOWN OF AMENIA

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## TOWN OF AMENIA PLANNING BOARD

Resolution # 9 for 2025

April 9, 2025

### Resolution Approving Subdivision

**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 and a 10-acre minimum lot size is required 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 an 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 and considered all the above referenced documents submitted by the Applicants as part of its Application; and

**WHEREAS**, this action is an Unlisted action under 6 NYCRR § 617 of the SEQRA regulations because it involves granting a subdivision and the Planning Board has adopted a negative declaration finding that the Project will not have a significant impact; and

**WHEREAS**, the Applicants received an area variance from the minimum lot size requirements for Lot 1 from the Zoning Board of Appeals at its January 21, 2025 meeting; and

**WHEREAS**, a properly noticed public hearing on the Application was opened by the Planning Board in accordance with the Subdivision Law and NYS Town Law. After providing the opportunity for the public to be heard, the Planning Board closed the public hearing.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with the Subdivision Law, the Planning Board hereby approves the minor subdivision plan “Levin Subdivision” by Kirk K. Horton L.S., dated November 2, 2024 (the “Approved Plat”), subject to the following conditions:

1. Confirmation by the Planning Board’s engineer that any remaining technical comments have been satisfied;
2. Confirmation by the Planning Board attorney as to the form of the deeds implementing the subdivision;
3. Confirmation that the Applicants have paid any outstanding invoices of the Planning Board’s consultants incurred in connection with this Application; and

**PLEASE NOTE: ABSENT AN EXTENSION REQUESTED BY THE APPLICANTS AND GRANTED BY THE PLANNING BOARD, IF ALL REQUIREMENTS OF THE CONDITIONAL FINAL APPROVAL HAVE NOT BEEN CERTIFIED AS COMPLETED WITHIN 180 DAYS OF THE ORIGINAL APPROVAL, THE CONDITIONAL APPROVAL SHALL AUTOMATICALLY TERMINATE AND BE REVOKED WITHOUT NEED FOR AFFIRMATIVE PLANNING BOARD ACTION.**

**BE IT FURTHER RESOLVED** that upon a resolution of approval, an original Mylar of the plat, acceptable for filing in the Dutchess County Clerk’s office, and four copies of the subdivision plat shall be provided by the applicant and presented to the Chairperson of the Planning Board; and

**BE IT FURTHER RESOLVED** that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Approved Plat, certifying it as the Approved Final Plat, upon the Applicants’ compliance with the above conditions, and the final plat submission requirements of the Subdivision Law; and

**PLEASE NOTE; THE SIGNATURE OF THE CHAIRPERSON OF THE PLANNING BOARD CONSTITUTING FINAL APPROVAL OF THE SUBDIVISION PLAT SHALL EXPIRE WITHIN 62 DAYS FROM THE DATE OF THE APPROVAL UNLESS WITHIN SUCH SIXTY-TWO-DAY PERIOD THE APPROVED PLAT SHALL HAVE BEEN FILED IN THE OFFICE OF THE DUTCHESS COUNTY CLERK.**

**BE IT FURTHER RESOLVED**, that pursuant to the Subdivision Law, no changes, erasures, modifications or revisions shall be made on the Approved Final Plat after its signing by the Planning Board Chairperson. 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: Ken Topolsky

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	_____	_____	_____	<u>✓</u>
Nina Peek Deputy Chairperson	<u>✓</u>	_____	_____	_____
John Stefanopoulos	_____	_____	_____	<u>✓</u>
James Walsh	_____	_____	_____	<u>✓</u>
Walter Dietrich	<u>✓</u>	_____	_____	_____
Kenneth Topolsky	<u>✓</u>	_____	_____	_____
Jamie Vitiello	<u>✓</u>	_____	_____	_____

Dated: April 9, 2025  
Amenia, New York

Voted certified by:

Judith Westfall  
Judith Westfall, Planning Board Clerk