

**TOWN OF AMENIA
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TOWN OF AMENIA PLANNING BOARD

Resolution # 4 for 2015

Approving a Special Use Permit & Site Plan For a New Indoor Pool at the Maplebrook School

May 13, 2015

WHEREAS, Maplebrook School, Inc. (the "Applicant") is the owner of approximately 65 acres of land located at 5142 Route 22 in Amenia, New York (the "Property"); and

WHEREAS, the Property has been developed with a co-educational boarding and day school for students with learning differences; and

WHEREAS, the Property is located in the Rural Residential (RR) Zoning District, with portions of the project area situated in the Stream Corridor Overlay District (SCO), Scenic Protection Overlay District (SPO) and Primary Valley Bottom Aquifer (PVBA); and

WHEREAS, pursuant to Article IX of the Town of Amenia Zoning Code (the "Zoning Code"), on or around July 14, 2014, the Applicant submitted an application to the Planning Board seeking a Special Use Permit and Site Plan Approval to allow for the construction of an 8,724 square foot addition to an existing 15,000 square foot gymnasium at the Property. The addition will house an indoor pool and related improvements (the "Project"); and

WHEREAS, pursuant to the Zoning Code, educational uses are permitted in the RR zoning district with a special use permit/site plan approval from the Planning Board and a referral to the Zoning Board of Appeals ("ZBA") for major projects; and

WHEREAS, the documents submitted by the Applicant as part of its application consisted of, among other things, (1) a Land Use Application; (2) a Full Environmental Assessment Form; (3) a Site Plan prepared by M.A. Day Engineering, PC, dated June 3, 2014 (last revised April 23, 2015); (4) an Agricultural Data Statement; (5) the requisite filing fee and

) escrow amount for the application; and (6) a variety of additional documentation (the "Application"); and

WHEREAS, the Planning Board reviewed and considered all of the above referenced documents submitted by the Applicant as part of its Application; and

WHEREAS, the Planning Board has determined that the Project qualifies as a major project under Section 121-60(C) of the Town's Zoning Code because the Application entails the alteration or expansion of existing structures by more than 1,000 square feet thereby exceeding the minor project thresholds; and

WHEREAS, on March 25, 2015, the Planning Board deemed the site plan and special use permit Application to be complete for purposes of referring the Application to the ZBA and the Dutchess County Department of Planning and Development ("County Planning Department") for their review and recommendation as required by the Zoning Code and the NYS General Municipal Law and thereafter caused the necessary referrals to be made; and

WHEREAS, the County Planning Department reviewed the Project for countywide and intermunicipal impacts and issued a report dated April 17, 2015, stating that the Project was a matter of local concern; and

) **WHEREAS**, the ZBA reviewed the Project and issued a report dated April 21, 2015 concluding that the pool would be a benefit for the community but recommending that erosion issues be addressed due to work on steep slopes; and

WHEREAS, the Planning Board has determined that the Project is a Type II action and exempt from environmental review under the State Environmental Quality Review Act ("SEQRA") because it constitutes routine activities of educational institutions, including the expansion of existing facilities by less than 10,000 square feet of gross floor area in accordance with 6 NYCRR § 617.5(c)(8); and

WHEREAS, pursuant to Section 121-66(F) of the Zoning Code, a properly noticed public hearing was held on May 13, 2015; and

WHEREAS, the Planning Board has determined that the Project will comply with all Zoning district and other specific requirements of the Zoning Code and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Code and the RR Zoning district; and

WHEREAS, the Planning Board has determined that the Project will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances; and

) **WHEREAS**, the Planning Board has determined that the Project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition; and

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WHEREAS, the Planning Board has determined that the Project will be accessible to fire, police, and other emergency vehicles; and

WHEREAS, the Planning Board has determined that the Project will not overload any public water, drainage, or sewer system, or any other municipal facility; and

WHEREAS, the Planning Board has determined that the Project will not materially degrade any watercourse or other natural resource or ecosystem, or endanger the water quality of an aquifer; and

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WHEREAS, the Planning Board has determined that the Project will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and its ability to be buffered or screened from neighboring properties and public roads; and

WHEREAS, the Planning Board has determined that the Project will be consistent with the goal of concentrating retail/commercial uses in hamlets, avoiding strip commercial development, and buffering non-residential uses that are incompatible with residential use; and

WHEREAS, the Planning Board has determined that the Project will not adversely affect the availability of affordable housing in the Town; and

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WHEREAS, the Planning Board has determined that the Project will comply with the applicable Site Plan criteria in Section 121-65(D) of the Zoning Code; and

WHEREAS, the Planning Board has determined that the Project will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social, and economic impacts; and

WHEREAS, minor grading to build the new indoor pool will occur within the SCO. The Planning Board has determined that this minor work will not result in degradation of scenic character and will be aesthetically compatible with its surroundings; will not result in erosion or stream pollution from surface or subsurface runoff; and will comply with other applicable provisions of the Zoning Code; and

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WHEREAS, the Planning Board has determined that the Project meets the standards as set forth in Section 121.14.1 of the Zoning for construction work in the SPO and will not impair the scenic preservation purposes of the SPO; and

WHEREAS, the Planning Board's determinations outlined above are based on the Applicant's representations contained in all of the Application materials submitted to the Planning Board and the Applicant's compliance with the Town of Armenia Code including the Zoning Code.

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NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 121-62 of the Town's Zoning Code, the Planning Board hereby approves a Special Use Permit for the Project; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-66 of the Town's Zoning Code, the Planning Board hereby approves the Site Plan for the Project prepared by M.A. Day Engineering, PC dated June 3, 2014 (last revised April 23, 2015) ("Site Plan Approval"); and

BE IT FURTHER RESOLVED, that pursuant to Section 121-62(G) of the Town's Zoning Code and Sections 274-a and 274-b of the New York State Town Law, the Planning Board imposes the following conditions on the Special Use Permit and Site Plan Approval granted by this resolution:

1. At all times, the Applicant shall comply with the approved site plan including, without limitation, all notes contained thereon;
2. The Applicant will address all comments contained in the Town's Engineer Memorandum dated, May 12, 2015 to the Engineer's satisfaction;
3. The disturbance of slopes greater than 15% will comply with Section 121-36(A) of the Zoning Code;
4. Prior to the execution of the approved Site Plan by the Planning Board Chairperson, the Applicant shall: (1) pay the outstanding invoices of the Planning Board's consultants incurred in connection with this Application and (2) obtain any permits/approvals required from the Dutchess County Health Department for the new indoor pool;
5. Any change to the approved Special Use Permit or Site Plan Approval may require amended approvals from the Planning Board.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Site Plan upon the Applicant's compliance with applicable conditions, if any, and the submission requirements stated herein, if any; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-62(H) of the Town's Zoning Code: (1) this Special Use Permit shall expire if (a) the Special Use Permit use ceases for more than 24 consecutive months for any reason, (b) the Applicant fails to obtain the necessary Building Permits or fails to comply with the conditions of the Special Use Permit within 12 months of its issuance, or (c) its time limit expires without renewal; (2) this Special Use Permit may be revoked by the Planning Board if the Applicant violates the Special Use Permit or its conditions or engages in any construction or alteration not authorized by the Special Use Permit; and (3) any violation of the Special Use Permit or its conditions shall be deemed a violation of the Town's Zoning Code and shall be subject to enforcement action; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-68(E) of the Town's Zoning Code: (1) 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 conditions of the Site Plan approval within 18 months of its issuance, or if the Special Use Permit with which it is associated expires. The Planning Board may grant a one-time six-month extension; (2) this Site Plan approval may be revoked by the Planning Board if the Applicant violates the Site Plan

approval or its conditions or engages in any construction or alteration not authorized by the Site Plan approval; (3) any violation of the Site Plan approval or its conditions shall be deemed a violation of the Zoning Code and shall be subject to enforcement action; 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:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Joseph Fontaine, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Peter Clair	<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"/>	
Nathan Roy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Anthony Robustelli	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Erich McEnroe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Bill Kroeger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Dated: Amenia, New York
May 13, 2015


Joseph Fontaine, Chairman
Town of Amenia Planning Board