

TOWN OF AMENIA
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TOWN OF AMENIA PLANNING BOARD

Resolution # 6 for 2015

Approving a Special Use Permit for an Expansion/Renovation of a Single Family Home on a Non-Conforming Lot Located at 289 Bog Hollow Rd., Wassaic, NY

July 8, 2015

WHEREAS, Matthew Schnepf (the "Applicant") is the owner of approximately 1.2 acres of land located at 289 Bog Hollow Rd., Wassaic, New York (the "Property"); and

WHEREAS, the Property is an existing non-conforming lot that has been developed with a single-story residential building and accessory shed; and

WHEREAS, the existing single-story residential building is non-conforming because it encroaches into the front, side and rear setbacks; and

WHEREAS, the Property is located in the Rural Agricultural ("RA") district; and

WHEREAS, pursuant to Article IX of the Town of Amenia Zoning Code (the "Zoning Code"), on or around May 20, 2015, the Applicant submitted an application to the Planning Board seeking a Special Use Permit to allow for a 364 square foot expansion/renovation to an existing 1,736 square foot single-family home at the Property (the "Project"); and

WHEREAS, pursuant to Section 121-27(D)(2) of the Zoning Code, the Planning Board may issue a special permit allowing an expansion of a nonconforming structure by up to 50% of its area; 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 Short Environmental Assessment Form; (3) a Site Plan prepared by Matthew Schnepf Architect, dated May 29, 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 minor project under Section 121-60(C) of the Town's Zoning Code because the Application entails the alteration or expansion of existing structures by less than 1,000 square feet; and

WHEREAS, on June 2, 2015, the Planning Board deemed the Application to be complete for purposes of referring it to 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 June 8, 2015, stating that the Project was a matter of local concern; 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 construction or expansion of single family residence on an approved lot in accordance with 6 NYCRR § 617.5(c)(9); and

WHEREAS, pursuant to Section 121-62(F) of the Zoning Code, a properly noticed public hearing was held on July 8, 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 RA 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

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

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

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, 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 Amenia Code including the Zoning Code.

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 121-62(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 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:

Yes No Abstain Absent Signature

Joseph Fontaine, Chairman	<input checked="" type="checkbox"/>	_____	_____	_____	_____	<i>Joseph Fontaine</i>
Peter Clair	<input checked="" type="checkbox"/>	_____	_____	_____	_____	<i>Peter Clair</i>
John Stefanopoulos	<input checked="" type="checkbox"/>	_____	_____	_____	_____	<i>John Stefanopoulos</i>
Nathan Roy	<input checked="" type="checkbox"/>	_____	_____	_____	_____	<i>Nathan Roy</i>
Anthony Robustelli	<input checked="" type="checkbox"/>	_____	_____	_____	_____	<i>Anthony Robustelli</i>
Erich McEnroe	<input checked="" type="checkbox"/>	_____	_____	_____	_____	<i>Erich McEnroe</i>
Bill Kroeger	<input type="checkbox"/>	_____	_____	_____	_____	<i>Bill Kroeger</i>

Dated: Amenia, New York
 July 8, 2015

Joseph Fontaine

 Joseph Fontaine, Chairman
 Town of Amenia Planning Board