

FEB 27 2017

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# TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501  
TEL: 845-373-8860, x118 FAX: 845-373-9147

## TOWN OF AMENIA PLANNING BOARD

Resolution # 3 for 2017

### **Adopting a Negative Declaration Under the State Environmental Quality Review Act ("SEQRA") for Selective Timber Harvesting at Bog Hollow Road**

**February 22, 2017**

**WHEREAS**, Dharam Bhatti is the owner of approximately 200 ± acres of land located at Bog Hollow Road in Amenia, New York (the "Property"); and

**WHEREAS**, Mid-Hudson Forest Products, Inc. (the "Applicant") has been authorized by the Property owner to conduct selective timber harvesting of approximately 100 acres of the Property (the "Project"); and

**WHEREAS**, the proposed Project is located in the Rural Agricultural (RA) Zoning District with portions of the Property situated in the Stream Corridor Overlay District (SCO); and

**WHEREAS**, pursuant to Section 121-14(E)(1)(b)(2) of the Town of Amenia Zoning Code (the "Zoning Code"), site plan approval is required for clear-cutting of more than 10,000 sq. ft. of vegetation on any parcel within a one-year period; and

**WHEREAS**, on or around December 9, 2016, in accordance with Article IX of the Zoning Code, the Applicant submitted an application to the Planning Board seeking a Site Plan Approval for the Project; 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 Forest Management Plan dated January 19, 2017 (last revised February 17, 2017); (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 has determined that the Project qualifies as a minor project under Section 121-60(C)(1) of the Town's Zoning Code because the Application does not exceed any of the thresholds set forth therein. Therefore, no public hearing was required; and

**WHEREAS**, after reviewing the application materials and Part 1 of the Full EAF, the Planning Board confirmed that the Project is an Unlisted action under SEQRA; and

**WHEREAS**, 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”) as required by Section 239-m of the NYS General Municipal Law, and thereafter caused the necessary referrals to be made; and

**WHEREAS**, the County Planning Department reviewed the Project for county-wide and inter-municipal impacts and issued a report dated February 8, 2017, stating that the action is a matter of local concern; and

**WHEREAS**, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Application materials and completed Part 2 of the Full EAF; and

**WHEREAS**, the Town Engineer and Town’s forest consultant have reviewed the Project plans and provided written comments on them and the Applicant has revised the plans to address such comments; 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 and completing Parts 1 and 2 of the Full EAF; after reviewing all the other information submitted to the Planning Board by the Applicant; 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; and
3. The Planning Board directs that the attached Negative Declaration be filed, distributed and published as required by the SEQRA regulations, Section 6 NYCRR 617.12.

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>
Anthony Robustelli, Co-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Peter Clair, Co-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
John Stefanopoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Rosenberg	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Erich McEnroe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Matthew Deister	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Larissa DeLango	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Dated: February 22, 2017  
 Amenia, New York

  
 Judy Westfall, Planning Board Clerk