



TOWN OF AMENIA

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Amenia Town Clerk

MAR 09 2017

TOWN OF AMENIA PLANNING BOARD

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Resolution # 5 for 2017

**Granting a Special Permit and Site Plan Approval to Donald Flood for a Service Business
Located in the Highway Commercial District**

March 8, 2017

WHEREAS, Donald Flood (the "Applicant") is the owner of approximately 1.74 acres of land located at 4177 Route 22 in Amenia, New York (the "Property"); and

WHEREAS, the Property is located in the Highway Commercial (HC) Zoning District with portions of the Property situated in the Stream Corridor Overlay District (SCO) and Primary Aquifer Overlay District; and

WHEREAS, pursuant to Article IX of the Town of Amenia Zoning Code (the "Zoning Code"), on or around November 18, 2016, the Applicant submitted an application to the Town of Amenia Planning Board (the "Planning Board") seeking a special permit and site plan approval to allow for the construction of a 4,400 sq. ft. building on the same footprint as a previously existing building that was destroyed by fire. The new building will be used as a construction workshop (a type of service business) (the "Project"); and

WHEREAS, pursuant to the Zoning Code service businesses are permitted in the HC zoning district with a special permit and site plan approval from the Planning Board and a referral to the Town of Amenia Zoning Board of Appeals ("ZBA") for major projects; and

WHEREAS, the Planning Board has determined that the proposed Project is a major project under Section 121-60(C) of the Zoning Code because the application involves the construction of facilities or structures for a nonresidential use covering greater than 3,000 square feet of building footprint; 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) Site Plans prepared by M.A. Day Engineering PC, dated September 8, 2016 (last revised December 29, 2016); (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 and its consultants reviewed and considered all of the

above referenced documents submitted by the Applicant as part of its Application; and

WHEREAS, the Planning Board also reviewed and considered written comments from the Town Engineer on the Project and the Applicant has revised the Project plans to address such comments; and

WHEREAS, on or about January 24, 2017, the Planning Board deemed the Application to be complete for purposes of referring it to the ZBA and the Dutchess County Department of Planning and Development (“County Planning Department”) for their review and recommendation as required by Section 121-62(E) of the Zoning Code and Section 239-m of the NYS General Municipal Law, respectively, 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 February 8, 2017, stating that the Project was a matter of local concern; and

WHEREAS, the ZBA reviewed the Project and had no objections to the Project and voted in favor of it at its regularly scheduled meeting on February 27, 2017; and

WHEREAS, pursuant to Section 121-62(E) of the Zoning Code, a properly noticed public hearing was held on February 8, 2017 and closed on that date; and

WHEREAS, on March 8, 2017, the Planning Board adopted a Negative Declaration under the State Environmental Quality Review Act (“SEQRA”) concluding that the Project will have no significant adverse environmental impacts and that a draft environmental impact statement will not be prepared; 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 HC 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 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 has determined that the proposed structure will be located outside the Town of Amenia's Scenic Protection Overlay District 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 Amenia Code including the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 121-62 of the Zoning Code, the Planning Board hereby approves a special permit for the Project as described in the Application ("Special Permit"); and

BE IT FURTHER RESOLVED, that pursuant to Section 121-66 of the Zoning Code, the Planning Board hereby approves the following site plans and other plans for the Project ("Site Plan Approval"):

1. Drawing TS.1, Title Sheet dated September 8, 2016 (last revised December 29, 2016) prepared by M.A. Day Engineering, PC;
2. Drawing EC.1 – Existing Conditions dated September 8, 2016 (last revised December 29, 2016) prepared by M.A. Day Engineering, PC;

3. Drawing SP.1 – Site Plan dated September 8, 2016 (last revised December 29, 2016)
prepared by M.A. Day Engineering, PC;

4. Drawing LP.1 – Proposed Lighting Plan dated September 8, 2016 (last revised December 29, 2016) prepared by M.A. Day Engineering, PC;
5. Drawing E&SC.1 – Erosion & Sediment Control Plan dated September 8, 2016 (last revised December 29, 2016) prepared by M.A. Day Engineering, PC;
6. Drawing D.1 – Details dated September 8, 2016 (last revised December 29, 2016) prepared by M.A. Day Engineering, PC;
7. Drawing SDS.1 – SDS Layout dated September 8, 2016 (last revised December 29, 2016) prepared by M.A. Day Engineering, PC;
8. Drawing SDS.2 – SDS Details dated September 8, 2016 (last revised December 29, 2016) prepared by M.A. Day Engineering, PC;
9. Drawing A 100 – Building Elevations dated October 5, 2016 (last revised December 28, 2016) prepared by M.A. Day Engineering, PC;
10. Drawing LP.2 – Landscaping Plan dated September 8, 2016 (last revised December 29, 2016) prepared by M.A. Day Engineering, PC;

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

1. At all times, the Applicant shall comply with the Special Permit Site Plan Approval including, without limitation, all notes contained thereon;
2. Prior to the execution of the approved Site Plan by the Planning Board Chairperson, the Applicant shall obtain a NYSDOT Highway Work Permit for all work within the NYS Route 22 right-of-way;
3. Prior to the execution of the approved Site Plan by the Planning Board Chairperson, the Applicant shall obtain approval from the Dutchess County Department of Health for the water supply and wastewater disposal facilities serving the Property;
4. The Applicant shall storage all materials and equipment inside the building. No such storage shall be permitted outside the building.
5. Prior to the execution of the approved Site Plan by the Planning Board Chairperson, the Applicant shall pay the outstanding invoices of the Planning Board's consultants incurred in connection with this Application; and
6. Any change to the approved Special Permit or Site Plan Approval may require amended approvals from the Planning Board; and
7. Prior to the execution of the approved Site Plan by the Planning Board Chairperson, the Applicant shall address Comment #5 in the memorandum from Rohde, Soyka & Andrews dated January 10, 2017 to the satisfaction of the Planning Board engineer.

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

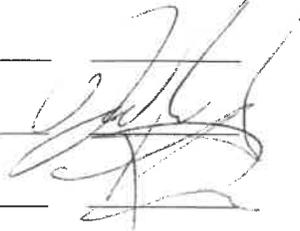
with applicable conditions, if any, and the submission requirements stated herein, if any; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-62(H) of the Zoning Code: (1) this Special Permit shall expire if (a) the Special 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 Permit within 12 months of its issuance, or (c) its time limit expires without renewal; (2) this Special Permit may be revoked by the Planning Board if the Applicant violates the Special Permit or its conditions or engages in any construction or alteration not authorized by the Special Permit; and (3) any violation of the Special Permit 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 in accordance with Section 121-68(E) of the 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 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.

signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Larissa DeLango, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Anthony Robustelli	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	
David Rosenberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Erich McEnroe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Matthew Deister	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Dated: March 8, 2017
Amenia, New York

Judy Westfall, Planning Board Clerk