



# TOWN OF AMENIA

*Amenia Town Clerk*

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

MAR 09 2017

**RECEIVED**

## TOWN OF AMENIA PLANNING BOARD

Resolution # 6 for 2017

### **Adopting a Negative Declaration Under the State Environmental Quality Review Act ("SEQRA") for the Donald Flood Service Business**

**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 about 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**, 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 opted for coordinated review; and

**WHEREAS**, the Planning Board circulated notices of intent to act as the SEQRA lead agency to all involved agencies. Given that there were no objections from the involved agencies, the Planning Board declared itself to be the lead agency for conducting the environmental review of the Project under SEQRA; 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 recommended the approval of the Application 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

**WHEREAS**, the Planning Board, with the assistance of its technical and legal consultants, engaged in a detailed review of the Application materials and completed Parts 2 and 3 of the Full EAF; and

**WHEREAS**, the Town Engineer has 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, 2 and 3 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>
Larissa DeLango, Chairperson	✓	_____	_____	_____	
Anthony Robustelli	✓	_____	_____	_____	
Peter Clair	✓	_____	_____	_____	
John Stefanopoulos	_____	_____	✓	_____	
David Rosenberg	✓	_____	_____	_____	
Erich McEnroe	✓	_____	_____	_____	
Matthew Deister	✓	_____	_____	_____	

Dated: March 8, 2017  
Amenia, New York

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Judy Westfall, Planning Board Clerk

Town of Amenia Planning Board

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Date: March 8, 2017

This notice is issued pursuant to the State Environmental Quality Review Act, Article 8 of the NYS Environmental Conservation Law and its implementing regulations at Part 617 of the New York State Code of Rules and Regulations (collectively referred to as “SEQRA”).

The Town of Amenia Planning Board has determined that the proposed action described below will not have a significant adverse environmental impact and a draft Environmental Impact Statement will not be prepared.

**Name of Action:** Donald Flood – Service Business

**SEQR Status:** Unlisted Action – Coordinated Review

**Description of Action:**

The project consists of the proposed construction of a construction workshop service business located at 4177 Route 22 in the Town of Amenia, NY (the “Project”).

**Location:** 4177 Route 22, Town of Amenia, Dutchess County, New York

**Reasons Supporting This Determination:**

The Planning Board has carefully considered whether the Project would create a potentially significant adverse impact on the environment. For the reasons set forth below a SEQRA Negative Declaration is appropriate and an environmental impact statement will not be prepared.

1. The Planning Board has given due consideration to the subject action as defined in 6 NYCRR 617.2(b)(1) and 617.3(g).
2. The Planning Board has given due consideration to the written comments from the Town Engineer.
3. The Planning Board has completed Parts 1, 2 and 3 of the full Environmental Assessment Form, and has concluded that environmental effects of the proposed action will not exceed any of the criteria for Determining Significance found in 6 NYCRR 617.7(c), as more fully described below:
  - a. No substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; no substantial increase in solid waste production; and no substantial increase in potential for erosion, flooding, leaching or drainage

problems will result from the Project. The Project will not generate off-premises noise, waste, lights, glare or any other intrusive condition.

The Project proposes to replace a previously existing building that was destroyed by fire and construct a new building to be used as a construction workshop/service business. The business will only have three employees with no provisions for the general public, therefore limiting possible traffic in and out of the site and minimizing water and sewage usage. The shop will be open during normal business hours and any welding, cutting and other related activities will be limited to inside the building thereby minimizing any noise, dust or odors. Building mounted lights are proposed and will be downward facing to avoid glare to traffic on Route 22.

No removal or destruction of large quantities of vegetation or fauna; no substantial interference with the movement of any resident or migratory fish or wildlife species; no impacts on a significant habitat area; no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; and no other significant adverse impacts to natural resources will result from the Project. There are no surface bodies of water on the Property. The Property was previously developed with a restaurant but remains vacant following a destructive fire. There is no wildlife or vegetative habitat in the area to be developed on the Property. Notwithstanding the foregoing, the Applicant will add some landscaping around the building, thereby improving the condition of the Property.

- b. The Project will not create the impairment of the environmental characteristics of a Critical Environmental Area (“CEA”) as designated pursuant to subdivision 6 NYCRR 617.14(g). There are no designated CEAs on or near the Project site.
- c. The Project will not create a material conflict with the community's current plans or goals as officially approved or adopted. The Zoning Code allows for service business in the Highway Commercial District subject to a special use permit issued by the Town Planning Board.
- d. The Project will not create the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. There are no historical or archeological resources located on or adjacent to the Project. The Property is located in the Highway Commercial Zoning District where a variety of other businesses are situated. The proposed building elevations demonstrate an aesthetically pleasing building with neutral colors and a barn- like design that compliments the existing community character.
- e. The Project will not create a major change in the use of either the quantity or type of energy.
- f. The Project will not create a hazard to human health. The Project will be connected to individual well and septic system.

- g. The Project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The Property was formerly used as a restaurant. The Project will be less intense than the former restaurant use. The Project will only have three employees and will not be open to the public. The Property is privately owned and not used for public recreational purposes or open space.
- h. The Project will not encourage or attract a large number of people to the Town of Amenia, compared to the number of people who would come to such place absent its adoption. The Project will have only three employees and will not be open to the public.
- i. The Project will not create a material demand for other actions that would result in one of the above consequences.
- j. No cumulative adverse impacts on the environment will result from the Project.

**For Further Information:**

Contact Person: Larissa DeLango, Chairwoman  
Town of Amenia Planning Board  
Address: 4988 Route 22  
Amenia, New York 12501  
Telephone: 845-373-8860

**A Copy of this Notice Filed With:**  
Town of Amenia Planning Board

**Interested Agencies:**  
NYSDOT  
Dutchess County Health Dept.  
Wassaic Fire Department  
Town of Amenia Code Enforcement Officer