TOWN OF AMENIA

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Amenia Town Clerk
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TOWN OF AMENIA PLANNING BOARD

Resolution #10 for 2017

June 14, 2017

Resolution Approving Preliminary Subdivision Plats for the KLM Group, LLC Subdivision

WHEREAS, Stanley Whitehead is the owner of approximately 7.85 ± acres of land located at 4993 Route 22 in Amenia, New York (Tax Map ID No. 132000-7167-00-154610) (the "Property"); and

WHEREAS, KLM Group, LLC (the "Applicant") has been authorized by the Property owner to subdivide the Property into four residential flag lots (the "Project"); and

WHEREAS, the proposed Project is located in the Hamlet Residential (HR) Zoning District which allows single family dwellings, as proposed. The Project is also located in the Hamlet Exclusion Area of the Stream Corridor Overlay District (SCO) and the Priority/Primary Valley Bottom Aquifer district as set forth in the Town of Amenia Zoning Law (the "Zoning Law"); and

WHEREAS, pursuant to Chapter 105 of the Town of Amenia Town Code (the "Subdivision Law") the Applicant submitted an application to the Planning Board seeking approval of a preliminary subdivision plat 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 Full Environmental Assessment Form; (3) detailed preliminary subdivision plans prepared by Rennia Engineering Design PLLC; (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, common or municipal water supply or sewage disposal facilities do not appear to be available for the Property, therefore, the minimum lot size is 40,000 sq. ft. for the Project as set forth in Section 121-11(D) of the Zoning Law. The proposed lots comply with this requirement; 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 preliminary subdivision plat constitutes a major subdivision under the Subdivision Law because it entails the subdivision of land into four or more lots; and

WHEREAS, the Planning Board has followed the procedures for processing a major subdivision application as set forth in the Subdivision Law; and

WHEREAS, on or about January 20, 2017, the Planning Board circulated, among other things, the Application materials and a full Environmental Assessment Form ("EAF") to all involved agencies and indicated its intent to be the lead agency to conduct the environmental review of the Project under SEQRA. Having received no objections from the involved agencies, the Planning Board designated itself as the lead agency under SEQRA; and

WHEREAS, the Project was not referred to the Dutchess County Planning Department for review because the Dutchess County Legislature has not authorized the Department of Planning to review subdivisions under Section 239-n of the NYS General Municipal Law; and

WHEREAS, on February 22, 2017, the Planning Board held a properly noticed public hearing on the Application. The Board heard comments from the Town Engineer, neighbors and members of the public. The Planning Board continued the public hearing to allow the Applicant to submit additional information in response to these comments. The hearing was closed on June 14, 2017; and

WHEREAS, the Planning Board has also considered written comments on the Project from a variety of involved and interested agencies including, the New York State Department of Transportation and the New York State Department of Environmental Conservation; and

WHEREAS, on June 14, 2017, before the public hearing was closed, the Planning Board adopted a SEQRA Negative Declaration concluding that the Project will have no significant adverse environmental impacts and that a draft environmental impact statement will not be prepared; and

WHEREAS, a common driveway will serve as access for each of the four lots. Presently, the driveway does not qualify for, and is not intended for, dedication to the Town of Amenia and there is no obligation on the part of the Town to accept such dedication under any circumstances. As noted on the Preliminary Plat, a driveway easement will be given to Lots 2, 3, and 4 and the individual homeowners shall own, maintain, upkeep, repair and plow the driveway in this subdivision; and

WHEREAS, pursuant to Sections 105-24(A) and 105-33 of the Subdivision Law and Section 277 of New York State Town Law, the Planning Board has the authority to waive any subdivision requirements or improvements related to the Project if it determines that such waivers are in the interest of public health, safety and general welfare; and

WHEREAS, the Town Engineer has concluded that the Project requires the following waivers from the Subdivision Law before the preliminary plats can be approved by the Planning Board: (1) a waiver authorizing the creation of flag lots (Section 105-21.F of the Subdivision Law); (2) a waiver for the number of abutting flag lots under one ownership (Section 105-21.F.4

of the Subdivision Law); (3) a waiver for the use of a common driveway for access to flag these lots (Section 105-21.F.6 of the Subdivision Law); and (4) a waiver permitting the use of four flag lots in a subdivision in five or less lots (Section 105-21.F of the Subdivision Law) (the "Waiver List"); and

WHEREAS, the Planning Board, with the assistance of its technical and legal consultants, has reviewed the Waiver List and determined it to be a complete list of waivers applicable to the Project; and

WHEREAS, the Planning Board finds that permitting four flag lots will result in no more lots than could have been permitted under the Town Code by using a hypothetical layout that includes a Town road and does not include flag lots; and

WHEREAS, the Planning Board finds that the requirements or improvements so waived will not jeopardize the public health, safety and general welfare; will not increase the otherwise allowable density on the Property; will provide the alternative to the development of a new Town road; will not conflict with existing residential uses; and will advance the purposes of the Subdivision Law; and

WHEREAS, the Planning Board has determined that the preliminary plat conforms to the general policy objectives set forth in Section 105-2 of the Subdivision Law; and

WHEREAS, the Planning Board has determined that the preliminary plat conforms to the design and improvement standards set forth in Article V of the Subdivision Law; and

WHEREAS, the Project does not involve any "required improvements" under Section 105-24 of the Subdivision Law and therefore, no performance guaranties are required for the Project.

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 105-33 of the Subdivision Law, the Planning Board hereby approves and waives the subdivision requirements set forth in the Waiver List; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-12 of the Subdivision Law, the Planning Board approves the following preliminary plats for the Project entitled "KLM Group Subdivision" prepared by Rennia Engineering Design, PLLC subject to the conditions listed below:

1. Drawing 1: Preliminary Subdivision Plat dated January 6, 2017 (last revised May 16, 2017);
2. Drawing 2: Grading Plan dated January 6, 2017 (last revised May 16, 2017);
3. Drawing 3: Driveway Design Profiles & Details dated January 6, 2017 last revised May 16, 2017;
4. Drawing 4: Erosion & Sediment Control Plan dated January 6, 2017 (last revised May 16, 2017); and
5. Drawing 5: Health Department Sewage Disposal & Water Supply Details dated January 6, 2017 (last revised February 27, 2017).

BE IT FURTHER RESOLVED, that the Applicant must satisfy the following conditions before approval of a final subdivision plat for the Project by the Planning Board:

1. The Applicant shall receive design approval from the Dutchess County Department of Health for the water supply and wastewater disposal facilities serving each lot.

2. The Applicant shall address the comments in the memorandum dated June 13, 2017 from the Town Engineer, Rohde, Soyka & Andrews Consulting Engineers, P.C. to the satisfaction of the Engineer.

3. As required by Section 105-21 of the Subdivision Law, the Applicant shall submit the proposed common driveway, reciprocal access easement and maintenance agreement shown on the preliminary plats for review and approval by the Planning Board and its Attorney. The easement/agreement shall provide that in the event the drive is offered to the Town of Amenia for dedication as a public highway, such drive shall first be improved according to Town of Amenia highway specifications at the expense of the owners of the lots to be served by the drive. Notwithstanding, the Town shall not be obligated to accept such an offer of dedication.

4. The Applicant shall submit the proposed drainage easement shown on the preliminary plats for review and approval by the Planning Board and its Attorney.

5. The Applicant shall submit a proposed restrictive covenant establishing the details of the "20' vegetative buffer" depicted on the preliminary plats for review and approval by the Planning Board and its Attorney.

6. The Applicant shall submit a complete application for final subdivision plat approval in accordance with Sections 105-13(3) and 105-18 of the Subdivision Law.

7. The Applicant shall submit a final subdivision plat for approval that contains the information listed in Appendix C, Section IV (particularly Section 4 – Certifications) of the Subdivision Law unless the information has been waived by the Planning Board.

8. As required by Sections 105-13(A)(3)(b) and 105-25(E) of the Subdivision Law, the final plat shall be endorsed by the Dutchess County Department of Health as satisfying all the standards of the State Sanitary Code and all related laws.

9. The Applicant shall pay any outstanding invoices of the Planning Board's consultants incurred inconnection with reviewing and processing the applications related to the Project.

10. Pursuant to Section 105-5 of the Subdivision Code, the sale of lots or individual parcels of land shall proceed only after final plat approval and other necessary permits/approvals have been satisfied by the Applicant.

11. As part of any approval of the final subdivision plat, the Planning Board reserves the right to impose additional conditions including, among other things, conditions that must be satisfied before endorsement of the final plat by the Planning Board Chairperson.

BE IT FURTHER RESOLVED, that if any condition or part of this approval resolution is annulled by a court of competent jurisdiction, the remaining parts of this approval resolution shall remain in full force and affect and the Planning Board reserves the right to revoke this approval if it determines that it no longer complies with the Subdivision Law and/ or Zoning Law.

BE IT FURTHER RESOLVED, that this approval of the Preliminary Plat does not constitute approval of the final subdivision plat and does not constitute a valid basis for the construction of any site improvements; and

BE IT FURTHER RESOLVED, that pursuant to Appendix B the Subdivision Law, the Planning Board reserves the right to make additional changes to the plat as a result of further study of the subdivision plat in final form; and

BE IT FURTHER RESOLVED, that as required by Section 276(5)(f) of the Town Law, within five (5) business days of the date of this resolution, the approved preliminary plat shall be certified by the Planning Board Clerk as having been granted preliminary approval and a copy of the preliminary plat and this resolution shall be filed in the clerk's office. Moreover, a copy of this resolution shall be mailed to the Applicant; and

BE IT FURTHER RESOLVED, that as required by Section 276(5)(g) of the Town Law, within five (5) business days of the date of this resolution a copy of this resolution and the approved preliminary plat shall be filed in the Town of Amenia Town Clerk's office; and

BE IT FURTHER RESOLVED, that pursuant to Section 276(5)(h) of the Town Law and Section 105-13 of the Subdivision Law, if the final subdivision plat is not submitted for final plat approval to the Planning Board within six months from the date of this resolution, or within any extensions of time provided by the Board under Section 105-12(I) of the Subdivision Law, this approval of the preliminary plat shall terminate and become null and void; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion By: Pete

Second By: Dave

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

	Yes	No	Abstain	Absent	Signature
Larissa DeLango, Chairperson	✓				

Anthony Robustelli				✓	
Peter Clair	✓				
John Stefanopoulos				✓	
David Rosenberg	✓				
Erich McEnroe	✓				
Matthew Deister				✓	

Dated: June 14, 2017
Amenia, New York

Judy Westfall

Judy Westfall, Planning Board Clerk