



TOWN OF AMENIA

Amenia Town Clerk

DEC 18 2017

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TOWN OF AMENIA PLANNING BOARD

Resolution # 13 for 2017

Approving Minor Subdivision - Lot Line Adjustment for Keane Stud, LLC

December 13, 2017

WHEREAS, Keane Stud, LLC (“Applicant”) is the owner of property identified as Tax ID Nos. 7166-00-403720 and 7166-00-515886, located on Depot Hill Road; and

WHEREAS, on or around October 7, 2017 the Applicant submitted an application for a minor subdivision - lot line adjustment pursuant to Chapter 105, Article III of the Town of Amenia Subdivision Code (“Subdivision Code”) for the purpose of merging 194.26 acres of land from the parcel referred to as Tax ID No. 7166-00-515886 into 272.36 acres of land from the parcel known as Tax ID No. 7166-00-403720, creating one parcel of land consisting of 466.62 acres and creating a new parcel consisting of 22.70 acres (the “Application”); and

WHEREAS, in accordance with the definitions in Section 105, Appendix A of the Subdivision Code, a lot line adjustment is classified as a minor subdivision; and

WHEREAS, the proposed project is located in the Rural Agriculture (RA) and Rural Residential (RR) Zoning Districts. Overlay Districts include the Stream Corridor (SCO), Scenic Protection (SPO), Resort Development (RDO) and Priority/Primary Valley Bottom Aquifer (PVBA); and

WHEREAS, pursuant to Section 105, Appendix C of the Subdivision Code, the documents submitted by the Applicant as part of the Application consisted of, among other things: (1) a completed Land Use Application, (2) a Short Environmental Assessment Form (“EAF”), (3) an Agricultural Data Statement, (4) Deeds, (5) a preliminary lot line alteration map prepared for Keane Stud LLC by Wesley Chase, L.S., (6) Boundary Line Agreement and Declaration of Restrictive Covenants dated April 25, 2002, (7) the requisite filing fee and escrow amount for the Application; and

WHEREAS, the Town of Amenia Planning Board (“Planning Board”) reviewed and considered all the above referenced documents submitted by the Applicant as part of its Application; 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, this action is exempt from environmental review as a Type II action under the New York State Environmental Quality Review Act and its implementing regulations (“SEQRA”) (6 NYCRR 617.7(c)(12)) because it involves granting a lot line variance; and

WHEREAS, on November 8, 2017, the Planning Board deemed the application to be complete for purposes of scheduling a public hearing; and

WHEREAS, a properly noticed public hearing was held by the Planning Board, on December 13, 2017 in accordance with Section 105 of the Subdivision Code, and Section 276 of the New York State Town Law; and

WHEREAS, the Planning Board has determined that the action requested in the Application will comply with all land use district, overlay district, and other specific requirements and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Town’s Zoning Law and of the RA and RR Zoning Districts; and

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 105-11 of the Subdivision Code, the Planning Board hereby approves the minor subdivision plat entitled “Lot Line Alteration” prepared for Keane Stud LLC by Wesley Chase, L.S., dated October 3, 2017 (last revised October 26, 2017) (the “Subdivision Approval”); and

BE IT FURTHER RESOLVED, that pursuant to Section 276 of the New York State Town Law, the Planning Board imposes the following conditions on the Subdivision Approval granted by this resolution:

1. The Applicant shall submit a revised final plat addressing all of the comments from the Planning Board’s consultants to their satisfaction.
2. Prior to the execution of the revised final plat by the Planning Board Chairperson, the Applicant shall record a release or extinguishment of the Boundary Line Agreement and Declaration of Restrictive Covenant dated April 25, 2002 and recorded in the Dutchess County Clerk’s Office as Document No. 0220025580 because the property is now under the same ownership making the past covenant no longer applicable. The Applicant shall provide the Planning Board with proof of recording of the release or extinguishment.
3. Prior to the execution of the revised final plat by the Planning Board Chairperson, the Applicant shall submit to the Planning Board a revised final plat executed by the Dutchess County Department of Health, if necessary.
4. Prior to the execution of the revised final plat by the Planning Board Chairperson, the Applicant shall pay the outstanding invoices of the Planning Board’s consultants incurred in connection with reviewing this Application.
5. Any change to the revised final plat may require amended approvals from the Planning Board.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the revised final plat upon the Applicant's satisfaction of all applicable conditions, if any, and the submission requirements stated herein, if any; and

BE IT FURTHER RESOLVED, pursuant to Section 105, Appendix B of the Subdivision Law, this conditional Subdivision Approval shall expire within 180 days after the date of this approval unless the conditions and requirements of this approval have been completed within that time and the revised plat executed by the Planning Board Chairperson. The Planning Board may, however, extend the time within which the final revised plat may be submitted for execution by periods of 90 days each if, in its opinion, such extension is warranted by the particular circumstances. If all conditions have not been completed within 180 days of the original approval plus any subsequent 90-day extensions of time, this approval shall automatically terminate and be revoked without the need for affirmative Planning Board action; and

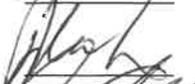
BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed in the office of the Town of Amenia Town Clerk within five (5) days of the date of this Resolution, and shall be mailed to the Applicant within the same five (5) day period.

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

Motion By: Tony

Second By: Dave

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 | <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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |  |
| David Rosenberg | <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"/> |  |
| Erich McEnroe | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Matthew Deister

✓



Dated: December 13, 2017
Amenia, New York



Larissa DeLango, Chairperson
Town of Amenia Planning Board